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Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, Jan 6, 2004 at 5:00 p.m.
Room 406, City Hall
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of Dec 16, 2003. **[Action Item]**

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission **[Action Item]**

   a. Thai Dang, Vietnamese Community Center of SF, Tet Festival, January 18, 2004 10AM to 6:30PM – Loudspeaker Permit
   b. Scott, Glenn Allen, and Lamer, John, dba "The Independent," 628 Divisadero St., - Place of Entertainment
   c. Wilson, William Stephen, dba "Circolo 500," 500 Florida Street, - Place of Entertainment/Extended Hours Premises
   d. Moses, Deanne Lee, dba "Reds Corner II," 597-599 Post Street – Place of Entertainment/Extended Hours Premises

5. Discussion and possible approval of resolution naming the Entertainment Commission as the lead agency supporting the San Francisco International Arts Festival 2005 **[Action Item]**

6. Discussion and possible approval of resolution supporting the Youth Commission and Supervisor Bevan Dufty's proposed legislation amending Section 1070.19 of the Police Code to permit bona fide public eating places or places of entertainment that have no liquor license to apply for and receive an extended hours permit from the Entertainment Commission. **[Action Item]**

7. Commissioner Comments and Questions.

8. Executive Director's Report (Bob Davis, Executive Director)

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9. Report from Events Committee (Joseph Pred, Chair)

10. Report of Organizational Development Committee (Jordan Shlain, Chair)

11. Discussion of agenda items for future Entertainment Commission Meetings **[Action Item]**

12. Adjournment

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Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

January 06, 2004

MINUTES OF THE

JANUARY 6, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94606

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Jim Meko

Jordan Shlain

Erik Joseph Pred

Jordan Shlain

STAFF

Present

Robert Davis, Executive Dir.

Jocelyn Kane, Staff

CALL TO ORDER

The Commission Chair called the meeting to order at 5:10PM.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Dr. Jordan Shlain, Joseph Pred, Bruce Lorin

Bowman Leong.

Absent were Commissioners Jordan

Shlain and Joseph Pred.

Staff present were Robert Davis and Jocelyn Kane.

PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the Agenda.

No Public Comment

REVIEW AND APPROVAL OF MINUTES

Commissioner Meko moved to adopt the Minutes of the December 16, 2003 Regular Meeting of the Entertainment Commission; Commissioner Lorin seconded the motion.

VOTE:

AYES - ***Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph,***

NOES - ***None***

ABSENT- ***Commissioner Shlain, Commissioner Pred***

Excused Commissioner Leong

Hearing and Possible Action Regarding Applications for Permits under the Jurisdiction of the Entertainment Commission

- **a.Thai Dang, Vietnamese Community Center of San Francisco Tet Festival, January 18, 2004 10:00 AM to 6:30 PM – Loudspeaker Permit.**

Thai Dang presented his street closure permit with conditions and is in agreement with them.

Commissioner Meko asked where the conditions came from. Chair responded conditions where set up by ISCOTT.

Commissioner Joseph moved to approve, Commissioner Lorin seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph,

NOES - None

- **b.Scott, Glenn Allen, and Larner, John,**

Dba "The Independent," 628 Divisadero St., - Place of Entertainment.

Mark Rennie – appearing for the applicants, Allen Scott.

This is the former venue known as the Justice League. It's primarily a live music venue. No after hours required. This is an exciting era in live entertainment in San Francisco. They are new young promoters and Mr. Greg Perloff and Another Planet will be the main booker. Their first concert was Bruce Springsteen. He explained that in their packet they should have two letters from Mr. Topocher who is a resident and an architect just south of the venue. Egress issues and easement issues have been raised. Clients are fully prepared to remove all graffiti and the problems and are fully appraised of how to handle. Remove within 24 hours.

The parking of tour buses will be accommodated with shore power and a white zone and a yellow zone (70 foot parcel). They will follow all DPT regulations to park the buses and will not keep them running. Sound attenuation 10-20

thousand on sound-proofing.

Jon Larner replied he is excited to continue this club and continue the energy and vibrancy of the neighborhood in a new and exciting way.

Allen Scott explained that he's been promoting music for three years and feels that the space is exceptional for live music in San Francisco. He feels it will help revitalize the scene and bring it back.

Commissioner Joseph asked have either applicant's run a bar before. He is really concerned about running the place with 10 employees and if there sufficient security.

Commissioner Allen asked were the conditions being accepted by the applicant. President Alan asked questions about parking and the neighborhood and what are the patrons going to use. He added that having lived there, he understand the pressure on street parking.

John Larner explained that he contacted private lots to see if they can accommodate some value parking service that are the closet and largest lots in the area.

Commissioner Lorin asked have they applied for a valet parking permit.

Allen Scott replied that they believe there is a current valet parking permit on file under Michael O'Connor's name.

Chair recognizes the arrival of Commissioner Shlain.

Commissioner Meko asked if there have been sound problems at this location and if neighbors are nearby and have there been complaints in the past.

Mr. Larner replied there are some neighbors on Grove and there was once one

complaint.

Commissioner Meko suggested borrowing from another condition regarding "noise containment," that no sound shall be audible inside any other business or residence.

Mark Rennie explained that he dealt with the Noise Abatement Officer and will ask him to check if he can hear sound or base waves. He added that this is probably stricter than the law says but it's the way it's being done.

Sound Proofing will be taking care of the noise issues. He used an example of the Bubble Lounge noise agreement with neighbors. He said he would oppose any kind of regulation that imposes too strict of a read on the law if we are talking about empty businesses. He added residences are an exception.

Commissioner Lorin asked where would the busses park if the valet were going to be using the white zone.

Allen Scott explained that they would be working with DPT to find metered parking on the street for tour buses. He added that sometimes the artist; hang out in the tour busses.

Chair recognizes the arrival of

Commissioner Pred (5:35 PM)

Commissioner Joseph moved to grant conditional permit. The motion was seconded by Commissioner Leong.

Public Comment:

John Wood, SFLNC, Stated that as someone who has spent many a night at the Kennel Club that he is excited to see this change toward live music again. He

added the timing of the venue is perfect and a nice contribution to the music scene.

Mark Topetcher, author of the letters on file. He stated that he's a resident and past patron of the Kennel Club. He is past President of the Alamo Square Neighborhood Association and representing clients. He is concerned on the issue of egress, 6 months into the 14-review process and there will be residential next to the venue. (The church) He added the concerns can be overcome and they are happy to have another live venue in the neighborhood.

He added if the operators can make some arrangements to minimize the impact of the cars on the street and the tour buses, then this can be a good thing and they are in support. They are concerned about the potential noise but their intention is to provide a lot of sound insulation. They brought in outside consultant to do the sound attenuation.

Michael O'Connor Operator of the Justice League and owner of the building. He says he will be a part of the business but not day to day. He says they have an incredible team and are interested in keeping the public in the vicinity on good terms with them and they are making changes to make sure the community is served. He added that Alan's strength is in booking music and that John has management experience and that he has run the Justice League before.

Mr. Mark Rennie stated that Mr. O'Connor has maintained a 10 % ownership in the Independent LLC. The two majority owners will be on the permits.

Commissioner Lorin acknowledged the presence of Mark Porto and Captain John Erlich of Park Station in case the Entertainment Commission has any questions.

Chair Alan asked is the parking going to be adequate.

Sgt. Porto, with Park Station replied he feels the parking will be adequate. He said he had approached all three-community groups and all approved this permit. He does not want tour buses in front of the club. He wants it kept open to make it easier for the police to patrol and see the doorman. He feels it makes for a better situation.

Commissioner Lorin asked if the Justice League's application was rejected by the Police Department and then went to Board of Appeals.

Sgt. Porto explained that the Justice League was turned down by the lots initially. He fought this original application and they proved them wrong and operated a good business.

Commissioner Audrey Joseph asked if it was true that most of the patrons came to the justice league in cabs.

Mr. O'Connor replied that many patrons walked, or took the bus and cabs. He added that younger crowds tend to come without cars to see live music.

Chair Alan asked if conditions have been accepted. Cell phone mandated and published, tour buses cannot block the door, 20 foot opening using land power, and that the Good Neighbor Policy is attached.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain, Commissioner Pred Commissioner Leong

NOES - None

c. Wilson, Willam Stephen, dba "Circolo 500, "500 Florida Street, - Place of Entertainment/Extended Hours Premises

William Wilson applicant Circolo, LLC has seven members. They are located in a depressed area. They intend to help the area come back. They are adopting the Good Neighbor Policy and have done outreach to residents and business in the area. The business is food first and foremost. They have a great chef and good price points for the neighborhood. They are aware of the concerns.

They are aware of the noise, the rules and the laws of the ABC. They have gotten noise attenuation consulting. They will obey all the rules. There suggest

that there is lots of money being spent on acoustical design. They say that they can use parking underneath the building to keep cars off the street. They are aware of the exit problem and will use well-trained security to handle the problem if necessary.

They explain that the owners are experience and mature. There is a seasoned on-site operating partner and the average age is at least 50. They say they are accomplished and responsible partners. He says none of the people sending letters contacted them directly or they could have talked it out. They are looking to do whatever outreach is necessary and are providing jobs, and business in the area.

Commissioner Lorin asked if applicant agrees with Mission Station's conditions.

Wilson replied they agree with the conditions and are prepared to accept them tonight.

Commissioner Joseph asked if zoning allows for you to do anything. She added that just because people are prominent in one business doesn't mean they know how to run a club. Commissioner Joseph asked what kind of entertainment do you plan on having and what kind of music. She asked if they are going to have a smoking area outside.

Wilson replied yes to the smoking area, doesn't know why the security company was chosen in particular.

Commissioner Meko explained Type 47 licenses are currently being sought. He would like to suggest they add a condition that if this changes to a type 48, the POE becomes null and void.

Wilson replied they would have no problem with that condition.

Commissioner Leong asked what is the closest residential area.

Wilson explained Project Artaud is right across the street. He explained there are lots of live work areas around. He explained that it's principally commercial and industrial. He added, that there is a bakery and linen supply store and says there are blocks commercial business around them.

Commissioner Pred explained that they have said repeatedly that food is the emphasis. He asked when they stop serving food and added you are asking for an extended hours license.

Mr. Higgins is the owner of the Fog City and Betelnut restaurants. He explained they plan to serve from 5:00 PM to 3:00 AM.

John Mayata replied he's here to answer questions.

Commissioner Lorin asked if these partners have tried to make it work with a Type 47 and things don't go as well, why would we deny them to make changes if they need to stay successful.

Commissioner Meko asked that he wants to make sure that they are really trying to do what they are saying. They are not precluded from changing their license if they don't work as a restaurant.

Commissioner Shlain replied he is familiar with applicants, not sure that it's a wise thing to throw those conditions on the applicants without any reason to do so.

Commissioner Meko is in favor of approval.

Chair Alan explained that the letters given to commission indict Whispers and not the new applicant.

Commissioner Joseph asked have they agreed to all the Mission Station conditions.

John Mayata explained that the Mission station sends a broad template of conditions as a placeholder and will be meeting with District Station he added that 10% change of ownership triggers new licenses.

Chair Alan explained that the commission will have to continue the item until such time as the District Station conditions are modified.

William Wilson explained the applicants are prepared to accept the conditions as written.

Conditions by Mission Station read into the record.

1A) No outdoor patio area – strike the word patio and replace with "any outdoor area"

1B) Strike this condition.

1D) A designated smoking are shall include trash receptacle and a designated smoking facility.

1F) Add the community and PD be notified of the managements cell phone and responsible parties name.

1J) Struck

2A) Add Entertainment Commission

2B) Struck

2D) Add Entertainment Commission

2E) 500 Florida Street – typo

Discussion of conditions one by one:

Myata explained that typically one way to control smoking is a cover charge. They won't be charging a cover.

Commissioner Audrey Joseph responded she thinks they really need to provide a controlled area to smoke and keep litter out and etc.

Myata explained there is a set back in front of the bakery that they can use to control the litter and not the people.

Commissioner Alan asked applicants about whether there is a different area between the bar and rest area.

Commissioner Joseph asked how were they going to identify persons who are of age. Will the waiters, staff and Bartenders be carding.

Wilson responded that all people serving alcohol will be carding at the bar and restaurant.

Commisioner Meko moved to approve to conditionally grant the permit. Commissioner Shlain seconded the motion.

Public Comment:

Dina Ciraulo lives across the street from the venue. She said they were never contacted about the process or the plans for an after hours club. She added they were easy to contact. She has windows at sidewalk level and there is lots of foot traffic. She said no amount of noise batement will stop noise of someone drunk outside her window. She operates a theater that has had 30,000 people come through in 10 months.

She feels it's an inappropriate location for a place of entertainment. The neighbors are uniformly against this POE. She is not sure why a bona fide restaurant needs a POE and extended hours permit. She added it's an added burden to the neighborhood. There has been a lawsuit due to foot traffic and noise in the neighborhood.

Winston Terri lives across in Project Artaud

His concerns are the conditions and he doesn't think they will be abided by. He asked why didn't anyone come to them. He added that it is very upsetting that no one came to them. They love a restaurant but added, the 4:00 AM and controlling the people is much different than 12:00 AM or 1:00 AM.

Jay Zimmermann is employed by Circolo, and a resident of the neighborhood. He is in support of the application. He has seen restaurants open and close in the last three years and added that the lack of this kind of dining establishments is disappointing.

Elliott Smith lives at Project Artaud. He is glad to hear about the emphasis on food but not sure why the after hours. He explained that the limited food in the bar and only food service in the VIP room after hours. He added that it sounds more like a bar and a nightclub. He added that Whisper is relevant because the conditions have not been enforced. He added Gordon's did set up a serving area outside. The parking seems to be a conflict because Whispers is supposed to use 80 of them. He is concerned that they haven't signed off on the conditions and they haven't been involved in the process.

Don Helton is the General Manager of Panorama at 500 Florida Street. He has been there for 5 years. He is speaking in favor of the permit. His operation is 24/7 and there are people in the neighborhood at all hours of the day and night of all varieties. He added that Mission Laundry runs trucks all night. Whisper, from his experience, Thursday, Friday and Saturday you will see 100 people outside in a line. He added knowing the background of the people involved he believes they will be running a fine establishment.

Jean Grossenbacher explained that it's the 4:00 AM extended hours that is bothersome to them. They are happy to have a restaurant. They enjoyed Gordon's but are scared after the Whispers situation. He gets woken up by people leaving late at night and by drinkers. They welcome them to the neighborhood but they would like them to talk to us.

Commissioner Meko responded Whispers reminds me of other neighbor disputes in SOMA. We brokered a compromise for the Cat Club and they haven't had a complaint since. He added we are working on a new relationship with the SFPD. We have to develop a mechanism to report the complaints to the Entertainment Commission so that the permits can be upheld or revoked.

Good Neighbor policy for late night entertainment was established early on and will be applied to all permits. He discussed mixed uses in the neighborhood and some history of the zoning in the neighborhood. The current rezoning is heavy industrial all around you and small areas are zoned mixed use. He added that he doesn't think they are going to see a quiet peaceful residential community in a mixed used area. He explained it's not in the cards. He added that they have the right to the peaceful and quiet enjoyment of their home and they have the right to call the police or go to small claims court. He explained that Mission Station did a good job on the conditions and they are pretty bullet proof. We are guided by strict guidelines about giving permits but we can use conditions to require them to be good neighbors. 50% of receipts must be from food.

Commissioner Joseph explained that area is zoned M-1. She added we must promote entertainment and lifestyle improvements if we are going to be competitive. She explained that we must be able to compete with other cities. She is in support of this application.

Commissioner Shlain explained we did not grant Whispers a permit. He added we are a young commission and we are trying hard to make sure the conditions are met and that the neighbors aren't being overly reactive to things that are happening. We are committed to finding a balance with neighbors and venues.

1976 Theater Artuad fought for the right to mix artists/living space and that bears with

a responsibility for both sides. Perhaps this is coming about because of a lack of community involvement. The conditions are onerous and we are limited in the way that we can say no to a permit. He hopes the neighbors can join in a partnership together with Circolo 500.

VOTE:

AYES - ***Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain, Commissioner Pred Commissioner Leong***

NOES - ***None***

Recess: 7:00 PM

Reconvene: 7:18 PM

d. Moses, Deanne Lee, dba "Reds Corner II, " 597-599 Post Street – Place of Entertainment/Extended Hours Premises.

Chair Alan explained that the request for Extended Hours premises has been removed. Chair Alan ask if the applicant is here, or her agent.

Ronald Foreman and applicant, Deanne Moses, explained that misapprehension has created the turnout in the room, not the application. He added that no nudity is being requested. No adult entertainment will be at this location. Dancers will be fully clothed. He says that this club will be a benefit to the community. He said the noise would be handled with an acoustical engineer and consultant. They will work to keep noise down.

He explained the applicant has a stellar history and has had no police problems at all or with residents. She operates Reds Bar and has had no problems. He said she has proven her self to be a responsible owner. He added the smoking issues will be handled the same way all the places around her will have to be outside to smoke.

Parking is ample for this location.

Type 48 applications will be submitted with approval here in the Entertainment Commission. They will get it through a broker. Exercise good Judgment and common sense and applicant wants to do the same thing. They would like to

return at end of public comment. They have had a meeting with the SFPD and they raised questions and we have responded. They would like to not be continued but hammered out this evening. No reason to continue the item.

Commissioner Joseph asked if they have addressed the issues raised by the Paramount Hotel.

Deanne replied no, she hasn't spoken to the hotel at all. There are provision in the lease to keep sound from leaving the premises.

Commissioner Meko asked do they have a lease on the premises and how long is it.

Ms. Moses replies 10 years.

Commissioner Leong asked what is 60's motif. What is there at the location now.

Deanne explained that the dancers wore bathing suits, bellbottoms, that sort of thing. Laugh-in type of motif. The building is empty right now. She explained it used to be Tiki Bobs and then Enterprise Rent a Car.

Commissioner Lorin explained that he is familiar with this motif and they were a fine establishments to visit.

Commissioner Lorin moved to conditionally grant the permit as is.

Commissioner Shlain seconded the motion.

Public Comment

Chair Alan asked the Officer Fred Crisp and Capt. Tachini to come forward. Capt. Tachini stated that he doesn't believe the Entertainment Commission should be hearing this and the law says the public should get 45 days from an amended letter of intent. He explained it's a clear misunderstanding between all parties about what is adult entertainment. He would request that the Entertainment Commission put this over for at least 30 to 45 days and any action by this commission is unwarranted. Reds Corner does not have an Enter Permit. Reds is a bar only. It's apples and oranges. Nothing is nearby. He added there are no problems there.

Capt O'Neil of the SFPD Permits Section stated that adult entertainment is not permitted at this time due to a number of court challenges. Adult entertainment can be provided with alcohol not more than 10% during the entertainment/operating hours.

Commissioner Lorin explained in more detail the code requirements and restrictions for nudity.

Chair Alan asked for a friendly amendment

Commissioner Meko moves to continue to the call of the chair. Not accepted.

Commissioner Lorin explained that the Tachini is highly respected but the SFPD is in a precarious position with this application. He added this is the reason there is an Entertainment Commission. These decisions are taken out of the hands of the police so that they don't have to alienate the neighbors. He doesn't think a continuance is warranted. He believes this is less onerous a request and we have less to discuss than before.

Robert Garcia, SOS President, was there to oppose the application. He is glad that they removed the extended hours. He says the application is vague. He added that there are three schools within two blocks of this venue. There is a church on O'Farrell Street and there are 90 units above this venue. He explained there was no neighborhood outreach and they had to do all this themselves during the Christmas season. He added, "We are talking about Nob Hill and that they are still a neighborhood. He added that there was a number of problems they cleaned up and now they can go out at night now. He added that parking will be a problem.

Carrie Davis lives two blocks away managed the 39 Unit building. She is speaking in favor of the applicant. She believes that having an establishment like this will help the neighborhood. She added there are a lot of businessmen that will come and spend their money. She said this corner would be improved greatly by this venue. She doesn't want to see vacant spaces in her neighborhood. She believes the controversy can be taken care of.

Patricia Glasky she is a homeowner 666 Post Street in protest this application. She mentioned that Assistant Chief Fong did an excellent job of cleaning the neighborhood of prostitution. She added that for the Entertainment Commission to approve this permit will negate all that police work and gives an open invitation for this group to move back in.

Harry Andrews is the owner of the Andrews Hotel next to the venue and apartment building next to the hotel. He is involved with the permit process with another venue. They continue to get complaints about people outside of the bars and hanging out in the parking lots. He added this is the problem that he sees. He request, that very strong conditions be placed on this permit so that the police have something to fall back on. He added even with conditions, it seems hard to address problems outside the venue for the SFPD.

Ian Ayers is a resident 666 Post St. She explained the applicants wanted an adult permit but then changed it. She explained there is an article about these folks having done this before and then the application was withdrawn. It seems to her that the Entertainment Commission should be suspicious of this applicant. She added if they want to do adult entertainment then they should apply for it. She added there are other places nearby that cater to travelers but you can't have too much of it in one place.

Regina Glass is a single parent of a 13-year-old boy. She is afraid that this business will lead to more drug dealing and prostitution. She feels pretty safe in her neighborhood right now and she's not sure if this will cause more problems. She would like the Entertainment Commission to consider the neighbors needs.

Shawn Sornborger Post Street explained that they are a family friendly neighborhood. He added that the neighborhood has lots of hotels that bring in business people who also bring children. They stimulate the economy as well. They believe there will be a problem with the property value if this establishment opens.

Fred Millen lives one block and a half away. He explained that lonely businessmen from out of town are not the only people who come to these hotels. He fills this will create a dramatic change in this area by allowing this so called entertainment where men are allowed to ogle scantily clad women. It is not appealing to him. He'd love to see a bar here and preferably food.

Peter Musto with Musto Estate Co. owns the building. Made a lease with Deanne Moses. He explained they assumed that this would be a replacement for Reds. The application shows something much different. We would have never signed this lease if they had known her plans. He is glad that the late hours have been withdrawn.

Chris Lehman, Manager of the residential hotel that caters to workforce and retirees. He added this use of business is not compatible with their use. He explained they have had problems with other venues and noise. They want to impose conditions to prevent these problems. He added the neighborhood has turned around and the building itself. They are running a 24hour desk and running at a loss.

Andrew Strasser with the Pan Pacific Hotel, ownership. He opposes the application. He added this isn't an establishment they would want their guests to visit. He added that people congregate in the streets and they are concerned about the safety of our guests.

David Overdorff, Property owner in the neighborhood. He explained that people worked hard with SFPD to clean up the neighborhood of prostitutes and drug dealers. He added that people have to get up early and go to work. He added the application was so vague and they didn't know what to believe. He feels their needs to be a positive outreach to the community. He feels working closely improves the area and they want to make sure that all changes are compatible with the neighborhood. He feels it's incumbent upon this commission to do its job.

Lin Lukel Board of 666-Post street Crown Towers. He explained this is not an industrial area. Zoning is such that residential and commercial are together. He would hate to see things return to the way it was. He explained there is virtually no parking in this space. He added Colonial keeps the lot full all the time. Additional parking is not available. He feels this kind of establishment will create a drive-by and cruising behavior. He feels the trust in the people who would own doesn't exist based on past practice and the application. This business doesn't fit in the neighborhood. He wants to partner with neighborly

businesses.

Craig Battey is the 795 Sutter Street President and strongly opposition to this permit based on the lack of clarity. He

re-iterate other issues brought up by the neighbors.

Alden Bolanos Vagrance He explained crime in the area is created by empty storefronts.

He added that it's a noisy area. The solution would be to use earplugs. He added the city relies on tourists. He feels people want to have something to do at night once they are finished with their work.

Jason Dorn is a homeowner at 666 Post and San Francisco weekly nighttime entertainment Editor. He is opposed to the way things have come about. He is not opposed to having a good time. He explained there has been other interest in these spaces with other ideas that he feels would cater to the hotel guests. He added there are a lot of questions that need to be asked before this moves forward.

Linda Majellem is the Executive Director of Union Square Association. They serve a large area including this one. She added this is the western most boundary of our area. She explained that Union Square is not known for topless entertainment. She explained the concerns are from apprehension around the vagueness of the application. The concerns are about what will happen down the road and retracted statements. They don't go looking for problems. She added it is with reluctance that she is here. She has heard lots of concerns about this application. She would urge you for a continuance. She sincerely appreciates the time the Entertainment Commission too to hear everyone.

Michael Pace a Manager with the Kimpton Hotels, Hotel Cosmo at 761 Post and Postrio Restaurant. He is concerned and opposed to this permit. He explained there will be increased noise, cars and foot traffic. He is concerned for his employees, especially the safety of out female employees late at night.

Hotels are 3 star and Postrio is top notch. Location, Location, Location is the word for hotels and rest. They feel this will be detrimental to their business and the clientele that they cater to.

Brian Lammers is on the Board of Crown Towers. He is opposed to this application. He feels this will change the character of the neighborhood. He doesn't think this establishment will improve the neighborhood. He did not hear about anything specific about how to control what happens in this establishment. He would be all for opening a bar at this location. He doesn't want to change the neighborhood.

Chris Allgower resides at 666 Post he's a superintendent and 6 months resident. He explained that one block to Geary is the tenderloin and lots of risqué entertainment that brings all the things with it. He explained that her owning a business in the tenderloin has nothing to do with where we are and what happens in their neighborhood.

Dennis Bouey is the General Manager of the Olympic Club. He seconds Capt and Linda's request for a continuance. He explained it's not fair to anyone if it's voted on tonight either way. He explained the application is vague and they are not telling anyone what they are going to do. He added that its not a well thought out business plan. He added all the elements are not here for an accurate and complete permit decision. He is willing to sit down with them. He added there is common ground. He doesn't understand what the rush is.

Commissioner Shlain explained how he was born and raised in San Francisco and how he remembers the old days on Post Street. Commissioner Shlain retracts his second to the motion in light of the information.

Commissioner Lorin asked to hear from the applicant or her attorney to see if they have something to add.

Foreman asked to continue for a week to solve issues. He added that he is hearing hysteria over something that isn't going to happen. The application was submitted in mid November. They have done what they were supposed to do. He added they don't want to bring in crime. No nudity means, no nudity. He added that he has heard NIMBYism. He added what he has heard are things that are not in the application. He added this is supposed to be a fun place. He added it's not a nude club. He explained this has never been an application for adult entertainment. He added the application was submitted with information.

Chair Alan replied that the Commission has information that validates the community's concerns on this.

Captain Tachini explained that the applicant stated that she intended to have bare breasted employees. He is asking for a continuance to notify the public and conduct public meetings and report to the commission and feels anything less than 21 days would be unfair.

Officer Crisp explained he was present at the meeting and the words used was, a high-class gentleman's club.

Commissioner Audrey Joseph explained that although there was conjecture about the business plan, she recommend there be a continuance if the leasor is stunned at what is going in there. She believes the SFPD and their statements are taken seriously. Commissioner Audrey Joseph is concerned about the applicant's definition of nudity. She feels that her statements indicate that she may have lied.

Commissioner Pred recommends one full month to clearly communicate amongst the parties.

Commissioner Pred moves to continue to Feb 3 meeting. Motion was seconded by Commissioner Shlain.

Public Comment:

No public comment.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain, Commissioner Pred Commissioner Leong

NOES - None

Chair requests that the SFPD and the EC, and community meet to move this

forward.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION NAMING THE ENTERTAINMENT COMMISSION AS THE LEAD AGENCY SUPPORTING SAN FRANCISCO INTERNATIONAL ARTS FESTIVAL 2005.

Commissioner Shlain is excused. 8:30 PM

Chair Alan explained the item and the resolution.

Andrew Wood, San Francisco International Arts Festival is working with Tom Ammiano to introduce legislation to fund the festival for 2005. He has been working with staff and other city depts. Fits with the mandate of the Entertainment Commission. Economic Development money is what they are looking for so the Entertainment Commission makes the most sense. The Arts Commission will provide technical expertise and staff time to help the Entertainment Commission set up the processes for receiving the money and spending it.

The lead agency means we oversee the money and its expenditure through a contract set up between us. In conjunction with the Arts Commission and the controller's office. 16 arts agencies will be involved and will be likely contracting for some of this money. The whole nine yards includes all kinds of arts.

Commissioner Audrey Joseph moved to approve the item. Commissioner Leong seconded the motion.

Public Comment:

Mark Rennie replies as the attorney for this organization, I would like to speak in favor for this resolution. This would be great.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner

Joseph, Commissioner Shlain, Commissioner Pred Commissioner Leong

NOES - None

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION SUPPORTING THE YOUTH COMMISSION AND SUPERVISOR BEVAN DUFTY'S PROPOSED LEGISLATION AMENDING SECTION 1070.19 OF THE POLICE CODE TO PERMIT BONA FIDE PUBLIC EATING PLACES OR PLACES OF ENTERTAINMENT THAT HAVE NO LIQUOR LICENSE TO APPLY FOR AND RECEIVE AN EXTENDED HOURS PERMIT FROM THE ENTERTAINMENT COMMISSION.

Chair Alan describes one problem a bona fide eating-place can be serving alcohol and wants to be sure that this doesn't create a problem. Need a continuance.

Commissioner Lorin moved to continue the item to the call of the chair. Commissioner Leong seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Pred Commissioner Leong

NOES - None

COMMISSIONER COMMENTS AND QUESTIONS

Commissioner Lorin explained he wanted to discuss the issues and the idea that the public is alarmed about. He explained if here is a legitimate need or concern or addressed then we should. He added the idea of potential noise, aren't supposed to prevent us from giving a permit. He added its not our right to determine what kind of entertainment to put into places.

Commissioner Pred agrees with their concerns. Whisper is the same idea. Vague

and unclear applications are not met with smiles on our part and its obvious that they did themselves a great disservice by not being clear and we set a precedence that lies in an application our a concern.

Commissioner Joseph responded that she actually believes that this was a scam. She added that she doesn't think they should make judgments on the kinds of entertainment but this seemed like a probably.

When we adjourn, she would like to adjourn in honor of Svetlana Afanasieva of the San Francisco Ballet. Passed away last week.

Commissioner Meko explained that this was an issue or process on Reds not on the judgment of what kind of entertainment. This case is ripe for discretionary review.

John Wood SFLNC, asked chair for clarity on the youth commission legislation.

Chair intention is to allow 18+ to stay past two am with an after hours permit. He is not sure if the legislation does this.

Commissioner Meko commented about the speed at which so many things are being rushed through. We need to take a deep breath and know that the world will not come to an end. It's not the end of the world if we fail to pass one of these resolutions.

Commissioner Pred explained we could pass a resolution about a certain venue if we need to. But we should have adequate knowledge of the issues.

Commissioner Lorin explained that Section 1070.19 is the exceptions so digest is out of context. Not enough information is here to make any kind of decision.

John Wood explained Digest was written by the City Attorney and reviewed by Virginia

Is the Entertainment Commission supporting the Youth Commission's attempt to

revise 18+ after hour's events in San Francisco? That is the question at hand.

Chair Alan asked to forward a letter from the Entertainment Commission in support of the idea of this legislation to the Youth Commission so that they know we are in support in principle.

Commissioner Joseph moved to forward letter to Youth Commission Commissioner Pred seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Lorin, Commissioner Joseph, Commissioner Pred Commissioner Leong

NOES - Commissioner Meko,

EXECUTIVE DIRECTOR'S REPORT

The Director reported the following:

- Tuesday, January 20, 2004, 11:00 AM. Presentation of the check for Halloween, festivities location TBA.
- Article in the paper today about art and Gavin Newsom's new administration.
- Forward to committee a proposal for a standing loudspeaker permit for steps of city hall for elected officials for next meeting.

REPORT FROM THE EVENTS COMMITTEE

Nothing to report.

REPORT FROM ORGANIZATIONAL DEVELOPMENT COMMITTEE

Commissioner Shlains requested Commissioner Meko chaired the meeting yesterday, January 5, 2004. Commissioner Meko reported that one item was discussed. The last call legislation has been forwarded to the Board of Supervisors. Some changes were made to the draft. This is one of two pieces that has percolated through the SFLNC for the EC to vote on. He added that the EC is not a rubber stamp of the late night coalition. There is a great deal of diversity on this Commission and these items really need to be discussed earlier.

DISCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETINGS

No items to add.

ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at 9:05PM

Respectfully submitted by Jocelyn Kane and Crystal Stewart.

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Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, Jan 20, 2004 at 5:00 p.m.
Room 406, City Hall
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

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1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of Jan 6, 2004. **[Action Item]**

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission **[Action Item]**

   a. Duoung, Khai, dba Ana Mandara, 891 Beach St., - Place of Entertainment
   b. Reykhel, Irene, dba Skazka-Traktir, 1429 Noriego St – Place of Entertainment
   c. Jordan, Kimberly, dba Hush Hush Lounge, 496 14th Street – Place of Entertainment

5. Discussion and possible approval of a standing Loudspeaker Permit for elected City Officials to discuss city business on the steps of City Hall. [Action Item]

6. Discussion and possible selection of community meeting dates for planning Halloween 2004 in the Castro [Action Item]

7. Commissioner Comments and Questions.

8. Executive Director's Report (Bob Davis, Executive Director)

9. Report from Events Committee (Joseph Pred, Chair)

10. Report of Organizational Development Committee (Jordan Shlain, Chair)

11. Discussion of agenda items for future Entertainment Commission Meetings **[Action Item]**

12. Adjournment

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

City and County of San Francisco
Entertainment Commission

January 20, 2004

MINUTES OF THE

JANUARY 20, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94606

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Jordan Shlain

Erik Joseph Pred

Bowman Leong

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart, Staff

CALL TO ORDER

The Commission Chair called the meeting to order at 5:10 PM.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Dr. Jordan Shlain, Joseph Pred, Bowman Leong.

Absent were: Commissioners Jordan

Shlain, Commissioner Meko, Commissioner Lorin

Staff Present were: Robert Davis and Jocelyn Kane and Crystal Stewart.

PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the Agenda.

John Wood with the late night coalition said that he had a document from the chief building inspector that said he could have 870 people at the SOMAR gallery and he had a permit from the fire department that said he could only have

700. He wanted a ruling from the City Attorneys office rather than have it go to the Entertainment Commission. He put in a request to the City Attorney's on who had the authority to set the occupancy at SOMAR gallery.

Commissioner Leong asked if Mr. Wood would he expect staff to follow-up in any way since he had brought it up at the meeting

Mr. John Wood replied no.

Commissioner Leong added that when it is resolved that he should report back to the Entertainment Commission.

Mr. Wood replied that he would report back to the commission.

Mr. Wood stated just so that you are aware they are on-going events there and it could become an issue. He added it wasn't an issue at his event because he didn't exceed either occupancy but that it could be at some point in the future.

Commissioner Alan explained to the public and the fellow commissioners that when the occupancy is set at a public space such as the SOMAR art gallery which can contain more people than the legal occupancy if a promoter desires to use that facility and have greater number of people than on the occupancy permit they are required to hire a fire Marshall stand-by. He added that the City had owned the building since 1976, and he thinks that it would be nice for them to decide how many people they want to legally allow in it 20 something years later.

Mr. Mark Rennie said the reason the Entertainment Commission was set up was to try and make it easier for the perspective permit holders to go through a process to obtain a place of entertainment or extended hours premises permit. He had an Exhibit A he gave to the commissioners. He added the Paradise Lounge passed the last of their seven city permit inspections for the POE permit on approximately November 15, 2003. He said there was nothing from the electoral department. He added that it seems to him that ever since the Entertainment Commission went in it seems like at least BBI is less willing to go

out on a limb. He added folks making $100,000 dollars in benefits owe it to the public and owe it to the permit holders who are paying in this case over $2,800.00 dollars for his applications ought to get a little service.

Commissioner Alan said that an appropriate follow-up would be done.

Public Comment

No public comment.

REVIEW AND APPROVAL OF MINUTES

Commissioner Alan they have attempted to move into a paperless world with some success and e-mails were sent out that contained the draft minutes of the last commission hearings.

Commissioner Alan stated were there any other corrections, additions or comments on the additions of the minutes.

Commissioner Leong motioned to approve the minutes subject to corrections Joseph seconded the motion.

VOTE:

AYES - ***Commissioner Alan, Commissioner Joseph, Commissioner Leong, Commissioner Pred,***

NOES - ***None***

ABSENT- ***Commissioner Shlain, Commissioner Meko***

Commissioner Lorin,

Public Comment:

Ms. Barbara Fried stated the minutes had Commissioner Pred as both absent and present.

Commissioner Alan stated the commissioner was both absent and present.

Jocelyn replied he was both absent and present.

Commissioner Alan explained, that the commission reconvened the meeting with Commissioner Pred absent and then the chair recognized his late arrival.

Commissioner Alan thanked

Jocelyn and Crystal's joint effort on the minute's effort because the Circle of 500 was confusing he appreciated the fact that it was done so well.

Hearing and Possible Action Regarding Applications for Permits under the Jurisdiction of the Entertainment Commission

- **a.Duoung, Khai, dba Ana Mandara, 891 Beach St., - Place of Entertainment**

Commissioner Alan asked if the applicant or his attorney were present.

Mr. Bob Webb facilities manager of Ana Mandara appeared on behalf of Khai Duoung owner and executive chef.

Commissioner Alan asked if Mr. Webb was appearing as Mr. Duoung's representative.

Commissioner Alan reconvened and said that places of entertainment licenses are very unique and special because they contain a lot of protection under the first amendment and in trying to make the process, both fair and open as well as respectful of the person

who had made the application only the applicant and/or their written designee can speak on their behalf unless there is a written authorization from the person making the application.

Mr. Webb apologized and said that his communications with Jocelyn did not mention the written designation.

Commissioner Alan stated was Jocelyn was aware that you were going to appear.

Jocelyn stated that Mr. Webb called her today and she apologized because she was not aware that he needed a written authorization.

Commissioner Alan stated that the Entertainment Commission would wave the formality and allow Mr. Webb to speak for five minutes on behalf of applicant.

Mr. Bob Webb was applying for the Place of Entertainment Permit. He said Ana Mandara is a full service upscale Vietnamese restaurant in there own building on the corner of Garadelli Square. Mr. Webb would like to have live jazz entertainment on Friday and Saturday, perhaps Thursday nights. He would also like patrons to buy out the entire restaurant on occasion and have their own D.J. or their own band. Their facility would be able to handle 300 to 400 people.

Commissioner Alan asked what was the capacity of the venue.

Mr. Webb replied that he would love to tell the commission that he picked up the correct folder and brought the application with him with all the numbers. Mr. Webb said they do not host concerts to sale tickets to events. He said it was strictly for entertainment for their patrons.

Commissioner Alan asked that if it would be the type of situation where they might close the restaurant and do an entertainment event with a cover charge or if it was something they might anticipate doing.

Mr. Bob Webb responded that they were not anticipating on doing that. He added that it would be all entertainment for the purpose of patrons being able to eat and enjoy their dinner.

Commissioner Joseph said on her special events when he would rent out the entire place would he rent it to a person that possibly may charge a cover charge.

Mr. Webb said it was his understanding that they rent to people who pay for the entire food, beverage and service bill for the entire evening and they charge not a cover charge but rather a flat rate that would include dinner drinks and entertainment.

Commissioner Joseph stated was his answer yes, they could charge a cover charge at the door, or no they cannot charge at the door.

Mr. Webb replied no they couldn't charge at the door for walk up admission to a sold out event. He added that is not the type of event they are seeing an application for.

Commissioner Joseph stated she spoke with staff and brought it to Mr. Webb's attention as well as anyone else in the room that would be applying for a POE that if you rent or lease out your facility to a promoter and that promoter puts on an event and something goes wrong at that event the owner of the restaurant is ultimately responsible. She added, beware that when you give it over to the promoter check the promoter out and make sure they are ok and have references.

Mr. Webb stated that he was aware that having their own place entertainment permit they are limiting their ability to get their temporary place of entertainment permit for one-night events.

Commissioner Alan stated the he may still require any one who rents his

facility to apply for a one-time dance permit through the Entertainment Commission which would result in the SFPD and the Entertainment Commission running a check that provides him with the He added there are not any guarantees that the checks will absolve him of the responsibility of the behavior of that promoter or their patrons.

Mr. Webb added that they might not use that mechanism in the future. Mr. Webb stated the occupancy posted in the restaurant is 267 people.

Jocelyn stated her memo indicated that central station had not weighed in but in the meantime they have approved with no conditions.

Commissioner Pred stated that based on his personal knowledge of the restaurant and its quality of the establishment he felt comfortable setting forth a motion to approve the POE for Ana Mandara.

Commissioner Pred moved to approve the motion. Commissioner Joseph seconded the motion.

The chair recognizes the arrival of Commissioner Shlain at 5:22 PM

VOTE:

AYES - Commissioner Pred, Commissioner Joseph, Commissioner Leong, Commissioner Alan,

NOES - None

ABSENT- Commissioner Meko & Commissioner Lorin Commissioner Shlain,

Public Comment

No public comment.

Commissioner Joseph stated that a conditional permit meant you have to meet

the other criteria before you can actually use the permit as a place of entertainment.

Mr. Webb stated that he understood.

- **b.Reykhel, Irene dba Shazka-Traktir, 1429 Noriego St., - Place of Entertainment.**

Commissioner Alan asked was the applicant in or was their representative present.

Commissioner Alan asked the commissioners to review the staff report. This is a POE for piano playing without amplification planning and police have approved and health had approved there are no letters of opposition on file.

Commissioner Lorin moved to approve

the motion. Commissioner Joseph seconded the motion.

VOTE:

AYES - ***Commissioner Alan, Commissioner Joseph, Commissioner Shlain, Commissioner Pred Commissioner Leong***

NOES - ***None***

ABSENT - ***Commissioner Meko, Commissioner Lorin,***

Commissioner Alan asked staff about the approval letter from the planning department and confirmed after reading the letter that it was a continuation of the existing use.

Public Comment

No public comment

c. **Jordan Kimberly, dba Hush, Hush Lounge, 496 14th Street – Place of Entertainment.**

Kimberly Jordan, owner of the Hush Hush Lounge located at 496 14th street she had applied for a place of entertainment permit. She added she already signed an agreement at the police station with officer Toma. She understands that one of her conditions will not allow congregating outside. She had enforced a new policy which is a no in and out policy she had hired an extra door guy to handle situation one that checks ID's on the way in and tells people will not be allowed to smoke with out permission. She added

they let out about for or five people at a time and the people are being very cooperative. They have a smoking passes they wear and they stand out in front of the bar with their smoking pass. She said patrons are having fun with the smoking pass and that it is working really well. She received a call from the neighbor complimenting the smoking pass idea.

Commissioner Alan asked if the commissioners had any questions of the applicant.

Commissioner Joseph responded she knows the Hush, Hush she feels like it's been there forever.

Ms. Jordan replied its been there for five years.

Commissioner Joseph stated that the Hush, Hush Lounge is popular in the neighborhood. She added that she looked over the description of the sound equipment and that it seemed to be reasonable for her space. She added that she does take issue with her submitted a petition signed by a lot of people in Oakland. She added that they are a San Francisco Entertainment Commission and we have to deal with the city of San Francisco. She disregarded everyone's name that came from Oakland. She made reference to a couple of letters and asked her how she would deal with the issues. One letter read that the management routinely ignores the complaints from the neighbors.

Commissioner Joseph stated if she had some way to interact with her neighbors where they could make a complaint to her and she could do something about it.

Ms. Jordan stated she rarely received complaints she said back in October she received two anonymous complaints on her machine from a woman. She wanted to speak with her and she put out a mass mailing through out the neighborhood. She added they don't often answer their phones late at night because they are too busy she asked the lady to call at an earlier time and please give her feedback on what he complaint was. She agreed to increase the lighting out side and post signs that indicated to keep the noise down (she showed photos of the bar to support her story) she said she had her door people asking patrons to keep the noise down as well. She said she didn't receive any response to the e-mail until the first week of January. She sent another e-mail out with her cell number on it saying she was going to start the no in and out policy. She called officer Toma and told him her dilemma with not be able to get people to communicate with her. She added since she's been there she's only had two complaints in reference to the base level. Officer Toma called her and she disconnected a subwoofer and that resolved the issue. She added that she takes complaints very seriously and that she just needs to hear them.

Commissioner Joseph stated that it sounded like Ms. Jordan had done quite a bit. She added another issue the letter complained about was public urination particularly on the church; she asked had Ms. Jordan had any contact with the church on this issue.

Ms. Jordan added she had never spoken with the Church. She added if people are urinating on the Church she is not even sure if her guys can keep an eye on people urinating in front of the church. She said she would take any suggestions.

Commissioner Joseph stated if the church had contacted her in regards to the urination.

Ms. Jordan replied that they had not contacted her.

Commissioner Joseph stated was there a way that she could talk to the owners of the laundry mat about using their doorway for smoking.

Ms. Jordan added that she was moving people in that direction because most of the complaints were coming from the other side of the building.

Commissioner Joseph stated that moving people up to the laundry mat was a really good idea.

Commissioner Alan stated that it's been the commission's experience in watching the phenomena of the ever-increasing population descendent of San Francisco when people move into the neighborhood they bring values from other places and begin to adopt those values as if they were part of the neighborhood. He added that one of the things that the Entertainment Commission had done in the very early days is to adopt the good neighbor policy as its interim polices.

Commissioner Alan gave Ms. Jordan a copy of the interim policy of the Entertainment Commission.

Commissioner Alan stated that he could only ask each and every business owner that comes in front of the Entertainment Commission to be aware of that policy and do the very best in their outreach of their patrons. He added that if she sticks to the good neighbor policy and keeps her cell phone with her at all times he thought that would eliminate 90% of her problems. He asked what took her so long to apply.

Ms. Jordan stated that financial concerns delayed her. She added that one day a DJ walked in her bar and said that he could help her. He did a show for her on Friday night and she actually had enough money to pay her bills. She said she went to City Planning to get her paper work it was not affordable for her at the time. Ms. Jordan added that this was her first business and that it's like a machine that just keeps rolling and always something eating up the money. She added she failed to put the money aside and take care of this and she apologized for that drawback.

Commissioner Alan asked what was the legal capacity of the bar.

Ms. Jordan replied 49.

Commissioner Alan stated that the Entertainment Commission would be making notice to the public over the next several months that they would be holding hearings regarding some changes that the commission would like to propose to the Board of Supervisors when it comes to the fees and application

process for entertainment permits because at the moment a person who had a business that holds 49 people pays the exact same amount as the Giants do for their stadium that holds 40,000. He added the Entertainment Commission felt that there might be a need to update that formula. He asked Ms. Jordan to keep an eye out and if asked to testify at a Board of Supervisor hearing to correct that inequity so that they don't have to half people operating illegally in the city because they cannot afford to operate legally.

Commissioner Joseph stated if she got a conditional grant today and the Planning Commission had not signed off on it, the conditional grant does not mean that you can go ahead and act like a place of entertainment. She added the Entertainment Commission was here to help promote entertainment in an urban environment and could not let people slide because the establishment wouldn't take the commission seriously they gave her a conditional grant and close their eyes to the fact that she is going to operate before she got the rest of the departments to agree. You have to get your approvals in immediately because at some point someone is going to show up at your door, maybe it's the police, maybe its some other inspector and see that you are operating with a conditional permit and see that your operating as if you had a final permit and petition the Entertainment Commission to make a suspension to her license. She added that its tough, but to do what she had to do and to get it done as quickly as she could.

Commissioner Leong stated he was glad to hear that she had made some attempt's to get some of the noise complaints resolved in the neighborhood. He asked about the soundproofing remodeling that was done in 1998, he asked with the soundproofing being done back then, why was she still getting complaints.

Ms. Jordan replied that except for the base complaints she mentioned its not the noise inside it's the noise outside.

Commissioner Leong added from the couple of letters he read it was about music.

Ms. Jordan replied, that she hadn't seen those letters.

Commissioner Leong added the SFPD conditions dated December 29, 2003 and he didn't know if she accepted those conditions.

Ms. Jordan added that she did accept the conditions.

Commissioner Alan added that suggestion through the chair from the staff to contact the noise abatement officer.

Public Comment

Margaret Samrito, a resident in the area she said it was nice to have meet Ms. Jordan. She said she had never addressed anyone of this nature. She lives at the corner were the bar is located, she can hear the music inside her bedroom. She had two daughters, one who recently took the SAT. She said the she feels the sound is being violated and that it's hard for her daughter to study. She said she would have brought video to support her concerns. In the beginning she states the bar was quite but had since then gotten louder. They have to do something better or she will start calling the police or take videos.

Commissioner Alan stated that Ms. Samrito should be aware the applicant had begun the process regarding the noise. If the noise abatement person could hear it he would fail her and she won't get her permit until she fixed the problem. He added that Ms. Samrito should pass on the information to the other tenants.

Commissioner Pred stated that Ms. Samrito should stay in contact with Ms. Jordan on any issues she may have for the future.

Ms. Amy Laitinen, with Supervisor Gonzalez's office submitted a letter of support for the applicant.

Bill Clarke lives at the corner of 14th and Gurerro. He had had a major problem with the noise of the bar as well. He averages about four hours of sleep per night. He said it appears that the bar isn't for the neighborhood, he said it feels like and invasion of a younger crowd. . He added there are motorcycle drag racing and graffiti and vandalism. He feels likes its more a nightclub than a bar.

Commissioner Joseph asked how long had he lived there.

Mr. Clarke responded two years.

Commissioner Joseph stated if Mr. Clarke lived there before the bar was there.

Mr. Clarke replied no.

Commissioner Joseph asked in the two years that he had lived there is what he described been pretty much consistent.

Mr. Clarke replied that it's changed.

Commissioner Joseph stated did he attribute the drag racing and music from the cars to the bar as appose to anything else in the neighborhood.

Mr. Clarke replied not primarily.

Commissioner Joseph stated that the holder of a liquor is responsible for an area 30 and 50ft to keep it clean and neighborly. She added that she does not have the power to control street traffic that is what the police was for. She added that he needed to call the police and call them consistently. She added that the corner is a kind of a commercial retail space and in essence businesses have a right to be there rather than put restrictions on the bar that's beyond her ability to earn a living possibly there can be a compromise. She added if her music is getting better maybe that's a good sign, if after the permit process over and it gets worse Mr. Clarke should address the commission again. Mr. Clark stated he was concerned about the in-out processes and that its forcing patrons to congregate outside.

Commissioner Joseph stated that according to Ms. Jordan's she said her door people would limit the amount of people outside.

She added people have a right to smoke and she had the right to maintain her business. She suggested that Mr. Clarke sit down and have a conversation with Ms. Jordan to see what they can work out for both of them.

Commissioner Pred added that if the actions of vandalism continued to be prepared to follow-it up with a police report. He added unless you witness it, you couldn't enforce it. He added that it was a very busy part of the city and to say that all things that go wrong is a result to the bar is unfair. He added part of the process of going through the Entertainment Commission so that the commission is involved and can mediate things. He added that Mr. Clarke had some awareness that he was moving into an area with a bar and uniformoraly that involves accepting that there is going to be noise late at night, just as if you moved next to a school that there would be noise during the day from kids. He urged Mr. Clark to

work out the relationship on an interpersonal basis because most things can be solved on a community level.

Mr. William Luhr lives three quarter of a block away from the establishment while he supports live music in San Francisco he thinks there are certain venues that are appropriate and some that are not. He does not think that the bar is an appropriate place for live music. He showed a photo of the graffiti near the area. He added that Ms. Jordan doesn't practice good neighbor policy by leaving trash bins out He added that Ms. Jordan is going ahead with live music before its being approved by posting flyers in the neighborhood.

Commissioner Joseph asked if she took her garbage cans off of the street after the garbage had been collected.

Ms. Jordan said they just sat out in front of the bar.

Commissioner Leong asked Mr. Luhr if he could hear music the door he could hear the music.

Mr. Luhr stated that he had double pained windows and he couldn't hear it only when he steeped outside.

Mr. Matt Saunders is the Hall monitor at the Hush, Hush lounge he works five nights a week as security at the front door had been there four years. He said he was present for one of the complaints where the police officer asked them to unhooked the subwoofer and had not had any complaints with the police since

then. In regards to urination outside the bar, he said it can happen but that the Hush Hush lounge lets non patrons use their bar's restroom which he feels results in less urination on the streets. He added that had given Margaret Samrito his cell phone number where he could be reached and offered to give to others who have complaints.

Commissioner Shlain asked about the issue of the door being left opened at the Hush, Hush Lounge.

Mr. Matt Saunders said that their policy was to now keep the front door closed at all times.

Katie Bell had lived in San Francisco for 12 years and had known Ms. Jordan for five years. She is confident that Ms. Jordan will handle whatever complaint's that are brought to her will be dealt with.

Mr. Matthew Puffer is a businessman in the area and an entertainment. He said as an entertainer the Hush, Hush Lounge would be a great space to perform. He added he doesn't do big venues and without places like the Hush, Hush Lounge he is forced to perform on the streets. He supports the applicant.

Ms. Victoria Nicholson, had worked at the Hush, Hush Lounge since its been opened. She had worked at five other bars in the city. She added that they are a family. She added that the Hush, Hush Lounge is building a soundproof hallway for the few complaints they have gotten. She added they go out of their way to control with the Hush, Hush Lounge. She feels the neighborhood is safer because of the Hush Hush Lounge.

Mr. Robert Velasquez lives at 435 14th street for the past nine years. He said that Ms. Jordan had tried to comply with the neighbors. He would like to see the bar be successful.

Mr. Neil Martinson a resident who had lived in San Francisco for eleven year. He books live acts for the Hush, Hush Lounge. He added that the Hush, Hush is a great place and in regards to the complaints of the noise and urine in the neighborhood, welcome to the Mission.

Mr. Bruce Abarton a San Francisco native and resident of the neighborhood. He supports applicant. He thinks it's important that they get their entertainment license since there are fewer places to play music in San Francisco.

Ms. Kristina Buckingham had lived in San Francisco, sine 1987. She feels that the Hush, Hush had made the neighborhood a safer place. She added that Ms. Jordan had gone out of her way to appease people.

Mr. Mike Schafer had worked in the entertainment business for the past 20 years. He was one of the new security staff. He feels the new polices to keep the noise down had made it better. He said he is personally going to promise that he would continue to make it better.

Ms. Alexis Jordan added she is no relation to Ms. Kimberly Jordan and had been a bartender at the Hush, Hush Lounge for over two years and a resident of San Francisco for 5 ½ years. She feels that they do a lot to keep the streets safe in the neighborhood.

Mr. Christopher Page is the General Manager and record keeper of the Hush, Hush Lounge. He added that they put in two lines for complaints that people can call. He added that the line had been in affect for four months and he had not heard any complaints. He said he checks the lines everyday. He said in reference to the graffiti he made an agreement with the laundry mat owner that he would paint his building.

Mr. Don Reynolds said it was great to see commission and that he is learning a lot. He had been a resident since 1985. He lives about four blocks away. He was mugged in the area before the Hush Hush Lounge and since it's been there he feels a lot safer. He encourages his support.

Mr. Alvaro Pasture he had been a resident of the neighborhood for the past 14 years. He is in support of the applicant. He said the bar that was previously there before the Hush Hush Lounge was called Nat's and that there were a lot of shootings there.

He said the Hush Hush Lounge is a nice place to have. He feels they are doing a lot to address the issues and it's a welcomed change from the last bar.

Ms. Smith she used to live across the Hush Hush three years ago. She had since moved a little further down. She said its great that they have but lighting outside which keeps the area very well lit.

Public Comment is closed.

Commissioner Joseph moved to approve the motion. Commissioner Leong seconded the motion.

VOTE:

AYES - ***Commissioner Alan, Commissioner Joseph, Commissioner Shlain, Commissioner Pred Commissioner Leong***

NOES - ***None***

ABSENT - ***Commissioner Meko, Commissioner Lorin,***

Commissioner Joseph said that she loved the smoking passes and that she is aware how hard it is have a business in San Francisco. She added that security outside does detour crime from a neighborhood. She added that it's very hard for someone to come into a neighborhood and rip off a car or rob a house when you have a couple of guys standing in front of a bar watching you. She added that she thinks it is a positive thing for her neighborhood. She added that she noticed a lot of stickers on the garbage cans and ashtray and maybe one of her polices, Ms. Jordan can have are no stickers.

She added there is also an ordinance that said that she couldn't keep her garbage cans outside. She added ignorance of the law and process is no excuse. She said that she had had the bar for five years and needs to be aware of laws. She added she had concerns about the January 28th event. She said if someone calls the police they come and close down her music.

Commissioner Joseph stated that every thing she had heard is more positive than negative.

Commissioner Alan asked Ms. Jordan did she have a date from the Planning Commission and when they were going to hear her conditional use request.

Ms. Jordan said no, she said they had never contacted her but she called Jocelyn and she told her about the conditional use situation.

Ms. Jordan said she had not filed yet.

Commissioner Leong stated he had concerns about the January 28, 2004 event and what she had planned to do about it. He added if she were further along in the conditional process he'd feel better about it.

Ms. Jordan agreed and said she doesn't think she can have it accomplished by the 28th of January.

Commissioner Leong added that since she had already advertised for the event what she had planned to do about the event.

Ms. Joseph stated she had events planned and that she will just have to cancel them.

Commissioner Shlain said its unfortunate that she would have to cancel here events but in the spirit of enabling this commission to enable more small bars the ability to get other smaller acts and promote this and the city its important that she help the commission help her. He added that the goal of the commission was to help promote small venues like Ms. Jordan's throughout the city. He added that unfortunately you arrived at the point and time were she had show's planned he added the Entertainment Commission had a five to ten year plan for San Francisco and doesn't want that to get under-minded.

Ms. Jordan stated she had herself in a bad situation with not being able to generate the money.

Commissioner Shlain stated that the people that have complaints against her could use this as grounds to deny her permit. He added she had a big amount of supporters and that she should some how rally the supporters to help her get through this time until her permit gets granted.

Commissioner Alan asked if Jocelyn had any communication and did she know whom the planner would be for this district.

Jocelyn replied that she gave Ms. Jordan the name of the planner.

Commissioner Alan stated that it is part of the Entertainment Commission mandate to assist the entertainment community in complying with the law. He added that finically the commission was not in the position to assist her. He added again that the commission cannot co-sign on her loan but they can way in for her favor. He added that the neighborhood is tough and that he wished Ms. Jordan the very best.

Commissioner Shlain moved to approve

the motion. Commissioner Joseph seconded the motion.

VOTE:

AYES - ***Commissioner Shlain Commissioner Pred, Commissioner Joseph, Commissioner Leong***

Commissioner Alan

NOES - ***None***

ABSENT - ***Commissioner Meko & Commissioner Lorin***

Commissioner Alan added on your way out to grab a flyer if anyone was interested in revitalizing the Tenderloin.

DISCUSSION AND POSSIBLE APPROVAL OF THE STANDING LOUD SPEAKER PERMIT FOR ELECTED CITY OFFICIALS TO

DISCUSS CITY BUSINESS ON THE STEPS OF CITY HALL

Commissioner Alan stated that there was a request from Rohan Lane the Media Security Systems Manager of City Hall requesting that the Entertainment

Commission streamline the City Hall sound permit process for elected officials.

Commissioner Joseph added do they charge city elected officials for a sound permit.

Bob Davis responded that the Entertainment Commission does charge elected officials for a sound permit. He added that he thought it was a good thing for the Commission to do.

Commissioner Alan stated that he didn't know if the Commission had authority to do this.

Bob Davis said that the commission does have the authority.

Commissioner Alan stated that he thought it was appropriate an just that elected officials and the buildings in which they conduct their business are held to the same standard that the Commission expects the public to be held to.

No Public Comment

Commissioner Joseph moved to approve

the motion. Commissioner Shlain seconded the motion.

VOTE:

AYES - Commissioner Shlain Commissioner Pred, Commissioner Joseph, Commissioner Leong

Commissioner Alan

NOES - None

ABSENT Commissioner Meko, Commissioner Lorin

DISCUSSION AND POSSIBLE

SLECTION OF COMMUNITY MEETING DATES FOR PLANNING HALLOWEEN 2004 IN THE CASTRO

Commissioner Alan stated that at the Events Committee meeting discussed that one the two events committee meetings would be dedicated to Halloween and that by making that schedule available to the general public. He added that tomorrow was the final meeting on Halloween 2003 at 6:00 PM in 201. He added that March 17, 2004 would be the first meeting and that it would be held on the third Wednesday of every month and open to the public.

Public Comment

John Wood asked did they really want to have ten public meetings about Halloween between now and then.

Commissioner Alan stated that it was actually seven meetings and yes they need seven meetings. He added there were at least seven meetings last year and this year they will need the same.

John Wood added that it seems like some of the work needed to go on behind the scenes amongst people who were producing the event. He added that he wasn't sure that every meeting should be open to the public because it would complicate the business of producing it.

Commissioner Joseph stated that she agreed, and that having the first meeting to kick it off doesn't mean they need to have a meeting every month. She added they could have it every other month towards the end or every second month towards the end.

Bob Davis replied the only caution that he would throw out is that if you do it under the sub committee which is a public body then they need to word it very carefully how to sub divide the meetings so that it is not public.

Commissioner Alan stated that the purpose of the Sunshine Ordinance was what he was referring to. He added what emerged for last years Halloween was a public and private component that worked in tandem. The private component developed their meetings outside of City Hall and developed their entertainment and volunteer schedules. The public side needs to be done within the preview of the public.

Commissioner Alan stated that he would like to go into a meeting a month. He added that his experience with people is if you don't check in with them in person they won't do it. He added given human frailty they should start off that way, and later if they can suspend a meeting they could do so.

Public Comment closed.

Commissioner Leong moved to approve

the motion. Commissioner Joseph seconded the motion.

VOTE:

AYES - ***Commissioner Shlain Commissioner Pred, Commissioner Joseph, Commissioner Leong***

Commissioner Alan

NOES - ***None***

ABSENT ***Commissioner Meko, Commissioner Lorin***

COMMISSIONER COMMENTS AND QUESTIONS

Commissioner Joseph stated read a report for from the Visitor and Convention Bureau about hotel occupancy and flights. She added that it was an important report because it spoke to entertainment and tourism in San Francisco. The report covered tourism from 2001–2003. She added that as an example in the year 2000 San Francisco achieved out of 100% occupancy San Francisco received 81.7% of hotel occupancy. The year 2001 it dropped to 67%, 2002 65% and 2003 there were 63.8% of available rooms. Which said how money is being spent in out city. She added that the city is losing hotel tax money and

that what funds arts, entertainment in the city. She added that SFO monthly flight operations for air carriers that landed at SFO

had approximately in the year 2000, 327,715 flights in the year 2002 it was dropped to 259,000 flights. This year she said it was estimated to be down to 10.4%. She added that it was a sad state of events for entertainment and arts community the amount of money being spend in restaurants, hotels and other venues money that funds the business that the Entertainment Commission is in. She added copies were available. She added that she was at a youth commission hearing the other day and she heard the kids say it's boring there is nothing to do. We have no place to go. Park and Recreation buildings are a mess they are horrible, they think there should be more block parties, sports teams for kids. She added that they are in direr straights. Its great to approve permits but the Commission had to come up with a plan.

Commissioner Alan stated was the report was available electronically. He added to have staff PDF it and put it on the Entertainment Commission's website.

Commissioner Shlain stated that the X Games brought in a lot of youth excitement. He added if Commissioner Joseph had any ideas that come to mind. He said something for the kids is a great idea.

Commissioner Joseph stated that the X Games producers did not want to come back here for a third year because they thought it was boring. They wanted to go somewhere else.

Bob Davis stated that a couple of things happened when they went after them the first time they did make concessions because there were a number of city's that were vying for them.

Commissioner Joseph stated that also the sponsors in San Francisco for the X Games had a lot to do with the Silicon Valley people. She added that she produced all of their after sports events for the first two years for Disney. They spend a great deal of money.

Commissioner Joseph stated that they needed to find a way to bring some of those conventions back and to find attractive things in the city to attract people. She added that the Events Committee is working on a proposal to bring more

conventions back. Purpose of her report was to punch it home on how bad it really is here.

Bob Davis stated that through the chair basically Bob Mossberger and the Mayor's office of Community Develop broke things down athletics events like the X Games don't boost hotel occupancy because people come regionally but that the amounts they spend is huge. The big conventions like the Auto and Mac World; they come in and spend money. Athletic events verses conventions and focus on both because they bring major sources of capital.

Commissioner Joseph stated that something that bought 120 Million dollars into most cities was the gay games, which had not been in San Francisco since the 80's, which is where its birth is. She added not only did people come from all over the world and fill up hotels, they ate here, spend here and played here. She added that the city had not made a solicitation to gay games. She said they have hit a wall on creativity. We have to go after the great acts.

Bob Davis added that Economic and Community Development work very close at hand because where every you have and particularity with athletic events one outreach is to the entrepreneur here the concessions are made on taxes and fees the other outreach is to the community.

Bob Davis stated that the Mayor's Office were transition and the Mayor is working with the transition team on how he is going to set up his office and hoe his outreach will be.

Commissioner Leong stated that this Thursday begins the Chinese New Year and he hoped that everyone would get a chance to go out an participate in the various activities.

Bob Davis stated that the Commissioners who wanted to sit in the grand stand of the parade needed to let him know so he could make arrangements through Commissioner Leong.

Commissioner Shlain stated in the not to distance future the Entertainment Commission could create its own a task force.

Bob Davis responded administrative staff is making a report to the Mayor

.

Commissioner Alan read from the San Francisco Chronicle that Scharod Fleeming, a 15-year old boy a student of Mission High School who was killed on Saturday in the Tenderloin outside the YMCA where an un-permitted all ages dance event was being held. He added that the YMCA did not have a place of entertainment permit and did not apply for a one-night dance permit and by not doing that they did not afford themselves

the opportunity of what background checks and protection the Entertainment Commission would have been able to offer.

He added the Youth Commission had held a special hearing on this he finds it unconscionable and finds the weight of the boy's death on his shoulders.

A moment of Silence is given for the youth killed Scharod Fleeming.

Commissioner Alan stated that they had a check presentation on Halloween and they gave away $14,000.00. He added that they have a rap up meeting tomorrow and that Reds withdrew their application.

Commissioner Leong stated at the last meeting certain comments were made and suggested that Captain Tekinni and Officer Chris made less than truthful statements. He stated that both officers have an excellent reputation in the community and with SFPD.

Commissioner Shlain stated that he spoke with one of the deputy chief officers in regards to the homicide at the YMCA and he is going to come up with some ideas on how to prevent that particular a promoter with a very bad history.

Bob Davis added that the promoter involved with the YMCA event had been black listed.

Commissioner Alan stated the problem existed because the process had been highly manipulated and hidden from public view people get the run around on getting permits so people gave up. He added that the Commissions job was here to stop that process and to put it in effect as quickly as possible a procedure were

by people can get their permits he added the commission had an obligation to do this and if they don't people would die.

Commissioner Joseph stated that if they were in the business of entertainment on a regular basis, like a club owner they needed to keep their ear to the streets because it was their business and they know who these guys are. She added people who are not in the business for putting on these events shouldn't put them on without at least a one-time permit.

Commissioner Shlain stated that it's not just the venues but also secondary providers. He added that it is a very tight network of people and if they perform poorly for a club owner and any supporting organizations won't work with the promoters.

Commissioner Alan stated that this weekend all over San Francisco there would be illegal parties because the people don't have a process by which to make them legal until the Entertainment Commission creates a process that welcomes everyone in the door to give them the opportunity to become law biding citizens.

EXECUTIVE DIRECTOR'S REPORT

The Director reported the following:

- There are several activities that would occur per his telephone call to the commissioners he had an on going issue with Kelly's Mission Rock.

- He and Jocelyn had some meetings scheduled and they have met with some community members. He met with Supervisor. Maxwell her feeling mirrored the Commissions.

- Supervisor Maxwell asked the commission to work with Kelly's and other Commissions as well and will provide information to neighbors.

- Introduced new staff member Crystal Stewart to Commissioners.

REPORT FROM THE EVENTS COMMITTEE

Commissioner Pred stated the report was covered previously and there was nothing to further report.

REPORT FROM ORGANIZATIONAL DEVELOPMENT COMMITTEE

Commissioner Joseph stated that the meeting was canceled due to Dr. Martin Luther King Holiday and would reconvene next week.

DISCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETINGS

No further comments from Commissioners.

ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at 7:30 PM.

Respectfully submitted by Crystal Stewart.

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Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, February 3, 2004 at 5:00 p.m.
Room 406, City Hall
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of Jan 20, 2004. **[Action Item]**

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission **[Action Item]**

   a. Metheny John, dba Pat Oshea's, 3848 Geary Blvd., - Place of Entertainment Amendment – Adding Wednesday's

5. Commissioner Comments and Questions.

6. Executive Director's Report (Bob Davis, Executive Director)

7. Report from Events Committee (Joseph Pred, Chair)

8. Report of Organizational Development Committee (Jordan Shlain, Chair)

9. Discussion of agenda items for future Entertainment Commission Meetings **[Action Item]**

10. Adjournment

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room *406* is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, February 3, 2004 at 5:00 p.m.
Room 406, City Hall
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

AMENDED

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1. Call to Order and Roll Call.

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   a. Metheny John, dba Pat Oshea's, 3848 Geary Blvd., - Place of Entertainment Amendment – Adding Wednesday's
   b. Loar, Thomas dba Skills Productions, Inc., 99 Grove Street, Bill Graham Civic Auditorium February 14, 2004 – One Night Dance Permit.

5. Commissioner Comments and Questions.

6. Executive Director's Report (Bob Davis, Executive Director)

7. Report from Events Committee (Joseph Pred, Chair)

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City and County of San Francisco
Entertainment Commission

February 03, 2004

MINUTES OF THE

FEBRUARY 3, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94606

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Bruce Lorin

Jim Meko

Jordan Shlain

Erik Joseph Pred

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:13 PM.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Dr. Jordan Shlain, Joseph Pred, Bruce Lorin

Absent were, Commissioners Bowman Leong.

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

2. PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the agenda.

Public Comment

Dr. Martin MacIntyre with the Golden Gate Park Noise Neighborhood Coalition stated that he and his neighbors listen to concerts from Sharon Meadows inside their homes three quarters of a mile away with the windows closed. He added did the Entertainment Commission issue loudspeaker permits for Golden Gate Park.

Commissioner Alan stated that the Entertainment Commission does not issue the permits and that Park and Recreation did.

Mr. MacIntyre stated that Park & Recreation did not issue them anymore according to SFPD. Bob Davis explained that Park & Recreation still had jurisdiction over their property permits. He added that City Attorney Virginia Dario Elizondo works with both the Entertainment Commission and Park & recreation and stated that he would give Mr. MacIntyre a call to verify some of the procedures that are currently in place. He added that the police do issue permits on behalf of Park & Recreation they do not consult the Entertainment Commission he said he should still refer back to Park & Recreation.

Mr. MacIntryre added that he'd been dealing with Park & Recreation for four years and they violate this particular thing and that's why he is coming to the Entertainment Commission.

Chair recognizes the arrival of Commissioner Joseph arrived at 5:15 PM

Commissioner Alan added that the Entertainment Commission has been approached by the Executive Director of Park & Recreation to provide with some technical assistance and guidance in solving the problem that Mr. MacIntyre had brought to the Entertainment Commission today. They are trying to find a technical way to keep the noise from interfering with his peaceful quiet enjoyment and still allow the park to be used for some of its traditional uses. He added it's an on-going process and that the Entertainment Commission has just begun to work with them.

Commissioner Joseph explained that the sound situation is trying to develop sound baffle that would absorb the sound that bounces off the hills and they have come up with a couple of designs. Cost is an issue. As of yet Park & recreation has not absorbed all the information taken in and put forth it's being worked on.

Mr. MacIntyre added could he or his group be contacted before any permit is issued to anyone for anyone doing a concert in Golden Gate Park.

Mark Rennie stated that the event that the Entertainment Commission held last night was great and that there were some very powerful players in the entertainment business last night that would like come along. He added that the Entertainment Commission should look at those folks and bring them along. He added they want to help.

Public Comment is closed.

3. REVIEW AND APPROVAL OF MINUTES

Commissioner Meko stated there were some corrections to be made to the January 20, 2004 minutes.

Commissioner Lorin stated there were some corrections to be made to January 20, 2004 minutes.

Commissioner Alan stated that they would continue the items to the next regularly scheduled meeting and allow the corrections to be made and distributed.

No Public Comment

4. Hearing and Possible Action

Regarding Applications for Permits under the Jurisdiction of the Entertainment Commission

Metheny John, dba Pat Oshea's, 3848 Geary Blvd., - Place of Entertainment Amendment – Adding Wednesday's.

Mr. Ken Nadel is the General Manager of Pat Oshea's representing Mr. John Metheny.

Commissioner Alan stated the Entertainment Commission has received information on the history of their entertainment at Pat Oshea's and staff had spoken to neighbors and venue managers and they feel further negotiation and further mediation is necessary before they can bring it forward.

Mr. Nadel stated that he would be in agreement.

Public Comment

Joseph Antonetti stated he doesn't want to fight the bar but wants a quiet place to live.

He stated that he has tried to work with them and will continue to try with the help of Jocelyn they can get the situation resolved.

Core issue is that he wants to be able to watch his television without hearing noise in the background and come up with a way to keep the noise level down.

Public Comment is closed.

Commissioner Lorin moved to approve, Commissioner Shlain, seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Josesph, Commissioner Alan,

Commissioner Pred, Commissioner Shlain

NOES -

ABENT - Commissioner Leong

- **a.Loar Thomas, dba Skills Productions, Inc. 99 grove Street, Bil graham Civic Auditorium February 14, 2004 – One Night Dance Permit.**

Mark Rennie is the attorney for the applicant appearing in support of Mr. Loar Thomas. He made reference to the young man killed at the YMCA. He added that the media has had a field day of the promoter that held the event. He added that the youth in San Francisco had very little entertainment choices. He added that Mr. Loar was a good promoter. He added that Mr. Loar applied for his permit and paid his fee on January 5, 2004. He added that SFPD lost his application and stated his client had to hire a lawyer and political consultant in order to do business.

Mr. Loar stated that he would like the event to go forward and would like to be able to get his permit passed and approved and hopefully in the future they can have an easier process. He added that it is difficult for promoters to get into certain facilities and that the city is losing a lot of revenue that it could tap into if they could only make the process easier for promoters to do business.

Commissioner Lorin asked what made the application so difficult.

Mr. Rennie stated that it had to do with the hysteria of rave. Hip Hop and electronic music. He added at a particular event there were 80 under cover police officers there.

He added that his client is required to have approximately $25,000.00 worth of internal security and 50 security 10B officers. He added that it made it financially impossible for his client or any client to operate in the venue.

Commissioner Alan stated that the Entertainment Commission couldn't do that until the jurisdiction were to be changed.

Commissioner Alan stated that the Entertainment Commissioner has an issue of what jurisdiction the Entertainment Commission has in the activities to generate a one-time dance permit for Skills Production. He added that outside of that the commission had a contractual relationship between Bill Graham Civic Auditorium and their management Company and Skills Production. He added the Entertainment Commissions jurisdiction is very specific and limited.

Commissioner Joseph stated that under Mr. Loar's contract with Bill Graham Civic Auditorium they had fewer than 57 securities and three supervisors inside that are non-police and 53 SFPD 10B officers

Outside including Sgt. Lt's and in addition to that four traffic officers outside three fire inspectors and rock medicine with two ambulances and paramedic's in addition they have to provide them with 50 complementary tickets.

Mr. Nadel stated that was correct.

Commissioner Joseph stated that Northern station said he only needed 33 personnel outside instead of 53.

Mr. Nadel responded that he had not seen the statement.

Commissioner Joseph stated she was aware of his event and she had no idea why he would sign the contract.

Mr. Nadel stated that the paper the commissioner was reading from was not part of the contract rather a policy and it was not included in his package of information.

Commissioner Joseph stated that a number of years ago the government passed the rave law. She added that the rave law had a lot of provisions. She added the rave law in her estimation prejudiced laws every passed by a government she added she is against the rave law. She added she would vote against anything that enforces the rave law.

Commissioner Lorin stated that he'd like to make a motion to approve.

Commissioner Alan stated that the Entertainment Commission was set in place to be the replacement for the police department as the arbiter of permits and its conditions for San Francisco and the Entertainment Commission is to take recommendations of off the departments and work within all of the laws to set the Entertainment Commissions path in motion were they can find ways to provide safe spaces at affordable prices and reinvigorate the entertainment economy. He added his concerns were in advocating control of the mandate to the police department and that he could understand very well how a reaction to a potential concern could cost an event its ability to go forward.

Public Comment

John Wood with the San Francisco Late Night Coalition stated that he has known Tom since he first be became a DJ and gave his first party. He added that he has watched his events grow and they have been the hottest events in town for young people. He added it was blatant conflict of interest when permit officers are able to set the fees for a promoter to have an event. He added that the extra amount of 10B officers is unnecessary for events. He doesn't' understand why the entertainment Commission doesn't have jurisdiction over the security issues in the one time dance permit. He said its unfair and not about Skills or public safety issues but rather control and overtime.

Lt. Sholtz stated to Mr. Rennie who in the police department received the application and who might of said that it was lost.

Commission Alan added the reason there was confusion is because it went between Bill Graham and Northern Station and the Entertainment Commission was not advised of any of the conversations or deliberations.

Mr. Rennie stated there seems to be some kind of confusion and the dance hall policy was never part of the contract there was nothing in the contract that was signed by his client that talked about security. He added that he asked Melody the director with Bill Graham where did the document come from she stated she had never seen it

She stated she never had 53 10Bs at any event and that they were backing off.

He added that he had a receipt that was stamped by a permit officer as being received on January 5, 2004 and issued

a $40.00 dollar receipt. He added that his client was wondering where his one night dance permit was because he was being told by Moscone/Bill Graham Civic that his event had been canceled because there was no one night dance. He added that a member of the San Francisco Police Department Northern Division requested that the SMG canceled the contract in violation of what is known in the law as interference with contractual relations.

Commissioner Pred stated was he saying that someone from Northern station intimated to Bill Graham Civics people that they should cancel the contract based on interference.

Mr. Rennie stated that they intimated that the event should not go forward because it was a rave event and a rave event should not be taking place at the Bill Graham Civic Auditorium. He added there was nothing in the contract that talked about 10B security.

Commissioner Joseph added that if they approve the permit today then it would be his job as the attorney to go forward and decide with the people and Bill Graham rather the dance hall policy is a rider to the contract or not.

Mr. Rennie stated that they had concerns about security he added they want to have security. He added they would abide by whatever the city comes up with it terms of external security.

Commissioner Joseph stated that the Entertainment Commission at this point and time had absolutely no power over the private entity of SMG, which administers Bill Graham's Civic Auditorium as of this date. She added that she believed if she issued a permit for them to go forward today that he could go

ahead and negotiate the contract for his client.

Mr. Rennie stated as a private citizen he would like to see San Francisco get back on its feet economically. He added that it is a city facility and that the city could not discriminate private promoters verses clear channels.

Commissioner Joseph added that she did not disagree with Mr. Rennie and added that as of today the Entertainment Commission had no power.

Commissioner Lorin stated that he didn't think it had to do with anything private or public. Prior to the commission the police department issued the permits and as part of an applicant getting a permit they had to agree to a certain amount of security. He added that it no longer existed. He added now Northern Station could make a recommendation to the Entertainment Commission that a certain amount of people is required. He added that the commission was not in the position to overrule them.

Commissioner Joseph stated that she was not overruling them. She stated when she had a venue and someone would come to her with an event that she felt would have a lot of people she required 10B officers. She added that the venue is requiring it why should the Entertainment Commission.

Commissioner Lorin stated that if a private entity required 10B officers that was between them and the applicant. He added that using 10B officers in nightclubs was wrong because it was originally designed to be used for public buildings and public affairs. He added that he thought it was wise for an applicant to think about using 10B officers for anything outside their premises because the officers are skilled and have legal authority.

Commissioner Alan stated that it was the responsibility under the law for the Entertainment Commission when issuing

the one-night dance permits to set that standard with the recommendations of all the authorities that they can to do a good job. He added that it was a complicated situation and that when the applicant originally applied for their one night-dance permit it would have been faxed to the Entertainment Commission and Northern station and they would fax their recommendation to the Entertainment Commission and that did not happen.

Jocelyn stated that in her memo there was a verbal recommendation. She added that the application for a one-night dance never surfaced in office.

Commission Lorin stated that the Entertainment Commission should approved the permit. He added they don't have a recommendation from Northern station on what is adequate security. He added that he doesn't want to ignore the security aspect.

Commissioner Lorin moved to approve, the One-Night Dance Permit using adequate security Commissioner Shlain, seconded the motion.

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Josesph, Commissioner Shlain***

NOES - ***Commissioner Alan,***

RECUSED ***Commissioner Pred***

ABSENT - ***Commissioner Leong***

Public Comment:

No public comment.

5. COMMISSIONER COMMENTS

AND QUESTIONS

Commissioner Joseph stated that *The Ark of Refuge* a church in San Francisco that does great work with the homeless and kids. She added that on March 22, 2004 at the Herbst Theatre there would be a gospel

concert hosted by Danny Glover and a lot of other celebrities to raise money for one voice. She asked for support for the event.

Commissioner Meko stated that a little bit of history was appropriate for some of the Commissioners and some of the members in the audience. He stated that the Coalition of San Francisco Neighborhoods an organization of 40 major neighborhood groups in the city opposed the formation of the Entertainment Commission. The Dog Patch Neighborhood Association and all of the organizations in the Tenderloin were against it. He added the only positive neighborhood support of the idea of the Entertainment Commission came from south of market the SOMA Leadership Council and he added they conducted two years of education and discussion which created a comfort level and when they came before the rules committee with Tony Hall as the chair.

Commissioner Meko added that if all the rules committee had listened to was the coalition of San Francisco Neighborhoods, Potrero, Dog Patch and the others the Entertainment Commission would not exist today. He added he enjoyed the event the Entertainment Commissions gave last night but that it only represented the Entertainment industry and not the neighborhoods. He added that the Entertainment Commission guaranteed that the neighbors would have a place at the table and they would be involved with everything the Commission did. He added that there was a situation on the waterfront involving Kelly's Mission Rock and he reviewed a police file of two years of neighborhood complaints over that situation. He added it was a messy situation and he commended staff for taking it on, he added that he was disappointed that staff had chosen to just meet with the lawyers, the staff and the owners of Kelly's to work out a deal and then presented the deal to the neighbors and they were not involved in crafting the deal. He added the deal was perceived as a first step and that was much better. He added that the Dog Patch people were difficult to deal with but he promised them they would have a place at the table. He added talking to the neighbors at the very beginning on all the issues was critical. He added that he has been trying to craft a mediation process, which reflected the way the Entertainment Commission was established in the legislation. That is with representation from the industry, the neighborhoods, law enforcement, urban planning and public health. He added that before the next Organizational Development Committee meeting he wanted to put on the agenda a statement of policies and principles for mediation that will guide the formal policy on mediation. He added that neighbors trust the police and not the commission a whole lot yet although the commission had done some good work. He stated the problem was the rank and file police officer's have to understand the new role that the police are playing: they respond to complaints they issue citations they inform the Entertainment Commission and the Entertainment Commission deals with the permits and that's not what is happening right now. He requested that the commission hold a hearing with the acting Captain from southern station and the permit officer, Captain O'Neil and other relevant officials from the police department to design a pilot program to get the situation between the commission and the police department to work.

Commissioner Lorin stated that the loudspeaker complaints were basic and if the police department were doing their job there would be citations issued. He added the law was clear that the noise couldn't be heard over 250 ft. from the back of the crowd. He added the same goes for nightclubs, when noise is being heard instead of saying turn it down a citation should be issued and it should be documented. He added that the commission should be demanding enforcement because without enforcement the laws mean nothing and the neighborhoods were the ones that suffer.

6. EXECUTIVE DIRECTOR'S REPORT

The Director reported the following:

- The permits officers meeting a memo was sent from Deputy Chief Greg Suhr instructing all stations to send reports to FOB and intern they would be sent to the commission on a weekly basis and the reports would be forth coming.

- As a result of the shooting outside the YMCA and march Supervisor Sophia Maxwell was requested to

submit a resolution that would strengthen the laws that currently governed the venue owners as well as the promoter and what their responsibilities will be and how they will conduct the responsibilities.

- Kelly's the City Attorney is reviewing language currently the next meeting will be announced within the next few weeks. There is a mailing list that includes all of the neighbors at which point there will be additional input and after the meeting hopefully they can move forward with a resolution or an agreement that is consistent with the feelings of the neighbors.

- Feedback from the Mayor's office on the Entertainment Commissions event was very positive.

7. REPORTS FROM THE EVENTS COMMITTEE

Commissioner Pred had to leave due to an illness. Nothing to report

8.REPORT FROM ORGANIZATIONAL DEVELOPMENT COMMITTEE

Commissioner Shlain stated they were actively working on bylaws for the Entertainment Commission. He added in reference to Commissioner Meko's comments earlier the mediation process should be in more of a full swing so they can map that problem out.

9. DISCUSSION OF AGENDA

ITEMS FOR FUTURE

ENTERTAINMENT

COMMISSION MEETINGS

Commissioner Meko repeated his request to have a meeting with Southern station involving staff to work out the bugs and the cooperation between the commission and the police department.

Commissioner Lorin stated that it's not difficult to suspend a establishment stated its very easy to suspend an establishment but difficult to revoke one because the law doesn't allow it. He added it only took four of them to agree to suspend a place and the place was suspended. He added all they needed was someone to bring the information and present it and they could take action but in order to justify their actions there had to be documentation. He added that the commission mainly relied on the police department.

Commissioner Alan stated that Mr. Davis said on behalf of the full commission that he had a meeting with deputy Chief Suhr to discuss the absence of reporting from the various permit officers to the commission regarding any of the permit venues seeing that they had received nothing in the eight months the commission had been in existence he felt there was a over site in the process and through their discussions as reported Mr. Davis a protocol has been put in place.

Public Comment

Captain O'Neill stated there was a great deal of confusion he said they had requested some guidelines. He added that they had been asked by staff to do the posting because there is an overwhelming amount of work that no couple individual's have to do. He added they don't simply respond to police incidents and police officers are suppose to take proactive action any of those violations are code violations that they investigates and the tax code required the police department to inspect premises on their beat to confirm that permits are in accordance and present. He added that they never really clarified a MOU with the police department they were operating in the gray zone because the ordinance allowed them to function for six months which has since lapsed. He added that an MOU between the department and the commission would be desirable to layout and then it would be clear to the commission and the police department some of the issues. He added that looking at the code and advice from their legal people they don't have authority to issue permits for Park & Recreation of the Port he read it was the Entertainment Commission's responsibility.

Public Comment is closed.

10. ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at

6:45 PM.

Respectfully submitted by Crystal Stewart.

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Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, February 17, 2004 at 5:00 p.m.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of Jan 20, 2004. **[Action Item]**

4. Review and approve minutes of Regular Entertainment Commission meeting of February 3, 2004. **[Action Item]**

5. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission **[Action Item]**

   a. **Chin, Tae, dba, Ted's Sports Bar & Grill, 398 - 7th Street, Billiard Parlor.**

   b. **Fakouri, Lelia K, dba Madrone Lounge, 500 Divisadero, Place of Entertainment.**

   c. **White, Chris C., dba Rickshaw Shop, 155 Fell Street, Place of Entertainment.**

   d. **Kim, Kap H., dba Encore Karaoke Lounge, 1550 California Street, Place of Entertainment**

6. Commissioner Comments and Questions.

7. Executive Director's Report (Bob Davis, Executive Director)

8. Report from Events Committee (Joseph Pred, Chair)

9. Report of Organizational Development Committee (Jordan Shlain, Chair)

10. Discussion of agenda items for future Entertainment Commission Meetings [Action Item]

11. Adjournment

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

February 17, 2004

MINUTES OF THE FEBRUARY 17, 2004 REGULAR MEETING City Hall, Room 406

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Dr. Carlton B. Goodlett Place

San Francisco, CA 94606

COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Bruce Lorin

Jim Meko

Bowman Leong

Jordan Shlain

Erik Joseph Pred

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:09 PM.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Joseph Pred, Bruce Lorin

Dr. Jordan Shlain absent for roll call.

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

Chair recognizes the arrival of Commissioner Joseph arrived at 5:10 PM

2. PUBLIC COMMENT

No public comment.

3. REVIEW AND

APPROVAL OF JANUARY 20, 2004

MINUTES

Commissioner Meko moved to approve, Commissioner Leong, seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Leong, Commissioner Josesph, Commissioner Alan, Commissioner Pred, Commissioner Shlain

NOES -

ABSTAIN - Commissioner Lorin, & Commissioner Meko

ABSENT -

Public Comment

No public Comment

REVIEW AND

APPROVAL OF FEBRUARY 3, 2004

MINUTES

No Public Comment

No public comment.

Commissioner Meko moved to approve, Commissioner Lorin, seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Josesph, Commissioner Alan, Commissioner Pred, Commissioner Shlain Commissioner Lorin,

NOES -

EXCUSED - Commissioner Leong

ABENT -

4. Hearing and Possible Action

Regarding Applications for Permits under the Jurisdiction of the Entertainment Commission

a. Chin, Tae, dba Ted's Sports Bar & Grill, 398 - 7th Street, Billiard

Public Comment

Captain O'Neil with the San Francisco Police Department. Stated that officer Meyers wanted him to convey to the commissioners that she had received the package last Wednesday and she was off Thursday and Friday and there was a holiday on Monday. He added that he knew the commissioners did not have a recommendation from her on this because she did not have the time in consideration of the holiday and her schedule.

Commissioner Alan asked Captain O'Neil if it would be appropriate for the commission to schedule it at the next meeting.

Captain O'Neil stated that officer Meyer's was more concerned about meeting the posting requirements because she could not get out to post it until today.

Commissioner Alan stated that the chair would entertain a motion to continue the item. He added they would need to have confirmation of posting and then schedule a hearing for 10 days hence.

Bob Davis stated that he would give them time to reassure that the posting was correct when it goes up and would bring it back to the chair.

No public comment

Commissioner Lorin moved to approve

To continue to the call of the chair at the direction of staff the Billiard Parlor application for Ted's Sports Bar & Grill Commissioner Leong seconded the motion.

VOTE:

AYES - ***Commissioner Pred, Commissioner Lorin, Commissioner Leong, Commissioner Joseph, Commissioner Meko. Commissioner Alan,***

NOES -

The Chair recognizes the arrival of

Commissioner Shlain at 5:17 PM

b. Fakouri, Lelia K, dba Madrone Lounge,

500 Divisadero, Place of Entertainment.

Mr. Rennie is representing Ms. Fakouri.

Commissioner Alan stated that staff recommended that the item be continued. He added that he believed that it had received an appropriate posting and today was the regularly scheduled hearing. He added for that reason they would move forward to respect the presence of the applicant her attorney and any members of the public that would like to address the commission.

Mr. Rennie stated his package included a petition of about 500 names including the petition for conditional licenses, which had the proposed alcohol beverage controlled conditions on the license. He added that the matter at one point was fairly contentious in the neighborhood and he said they worked most of the problems out last Thursday and had a hearing before the city services committee of the Board of Supervisors. He added the turn out was in favor for the Madrone Lounge and only one person spoke not against it but expressed concerns about the history of the neighborhood as a high crime district and how liquor had in the past exasperated the problems in the

neighborhood. He added that Ms. Fakouri was going to do cocktail lounge together with an art salon/art gallery, which would be in comparison to the Bubble Lounge. He added that Ms. Fakouri had a long background in the arts and was a art curator and ran the box office at the ODC gallery as well as degrees in painting and photography. He added that the building had laid vacant for the last 15 years. He added that part of Ms. Fakouri's has taken the entire building and part of her business plan was to restore the building.

Commissioner Joseph asked were section 312 materials were.

Mr. Rennie stated that in a neighborhood commercial 2 district there was certain types of zoning that included restaurants and entertainment usage and you had to do a 312 notification which was section 312 of the San Francisco Planning Code. He added that it was a 30-day positing to everybody within 300 Feet. He added that you had to mail a notification, and if anybody wanted to protest it they had to pay $90.00 dollars and had a discretion view hearing before the Planning

Commission. He added that was were they were with the project. He added when it was switched from a large fast-food zone usage to a bar lounge the architect didn't to include nighttime entertainment through a technicality it had to go back to a 312 posting. He added that they did not have the building permit and it would be three or four months before their doors would open. He added that they would do another 312 notification.

Commissioner Joseph asked had the building been vacant for years. She added due to its vacancy was it contributing to neighborhood blithe.

Mr. Rennie stated that it had contributed to it.

Commissioner Lorin stated after reading the application he found that there were no provisions made for parking.

Mr. Rennie stated that they had looked at Parking and that it was a problematic neighborhood for parking because there were no garages or parking lots in the area. He added there was some street parking but parking was

tough.

Ms. Fakouri stated her place would service the immediate neighborhood. She added the area had a lot of artist and musicians and she had gone outside on many Saturday's petitioning the neighborhood and talked to the people that live there. She added that most of the people she knew would take public transportation and if there were excessive parking problems in the future she would consider doing valet.

Commissioner Alan stated when the question came up to the commission regarding the parking issues with the independent, the applicant stated there was ample parking at the Bank of America and here was no available parking at the DMV in the evenings and weekends. He added that Ms. Fakouri should look into a pool parking system. He added that it would be to her advantage if she proactively worked on a parking solutions rather than having neighbors calling because they can't get in and out of their driveways because that would become a problem that the commission would have to deal with in a negative way.

Commissioner Meko asked what was the capacity of her venue.

Ms. Fakouri stated that the capacity was 75.

Commissioner Meko stated that he watched the hearing before city services and he could assure the commissioners there was no opposition except for one neighbor and she supports the project, but wanted to be sure that the conditions on her permit would be enforced rigorously and the art work would not include any nudity.

Commissioner Alan stated that he had an addendum to their package and a fax of recommendation from Sgt. Porto recommending approval for the permit with restrictions on the hours.

Sgt. Porto stated he had a conversation with the inspector on the conditions and he got the days confused and asked to amend his to coincide with the PNC hearing recommendation that was accepted. He added that the amendment would be Sunday and Monday 12:00 Noon to 12:00 Midnight and Tuesday

through Saturday, 12 Noon to 1:30 AM.

Commissioner Joseph stated that she would like to move to approve.

Commissioner Alan explained that they were in a position were they could not make a motion and they unfortunately had their application kicked back to planning. It was a notice requirement for a change of use and the change of use required a mailing and a hearing and that had to happen before they could conditionally grant.

Commissioner Lorin asked why couldn't they conditionally grant the permit

Commissioner Alan stated why staff felt they could not conditionally grant the permit given they understand that planning had to way in.

Bob Davis stated the reasons for not wanting to conditionally grant the permit was because traditionally staff had always waited for Planning's approval and that the commission might not agree with the conditions imposed by

Planning so rather than re-open it they should continue it and hear what other conditions are imposed by planning and review it and approve it at that point. He added that it was going back to a full planning hearing that would involve a radius map mailing that would include comments and potential changes that might sway them to change their opinions.

Commissioner Joseph asked could the commission approve it from the body and then if Madrone Lounge and Mr. Rennie had no objections to the stipulations put on by planning just have staff go ahead issue it.

Commissioner Lorin stated if they were to continue it they would then be causing an additional delay. Since there is no opposition they would be abiding by whatever planning had to say and the applicant would to so why stand in the way when they have enough to deal with.

Commissioner Leong statedif planning opposed something that the commission would not agree with staff would let them know.

Public Comment

Mr. Giday Beshue, club owner of Yzimo at 543 Divisdero. He added that the building was full graffiti depressing, dark and dreary to walk by He added that he welcomed Ms. Fakouri to the neighborhood and was extremely excited. He that the parking issue had been bad for many years and there were no parking spaces anyway.

Mr. Richard Kay stated that he was a native San Franciscan and has lived in the neighborhood for 15 years. He lives three blocks away from the proposed project. He added that Ms. Fakouri talked to his group and more than 90% of the people were excited about the project. He added that Ms. Fakouri would be a great custodian of the building and her project would breath life into the neighborhood.

Public Comment Closed.

Commissioner Lorin stated before he voted he would feel better if he heard from either the applicant or her attorney. He added that if they voted to conditionally grant it tonight it would start the clock on the 9 months. He added would that be a concern and if not he would be

ready to cast his vote.

Mr. Rennie stated they would expect to have the building permit issued within 30 days, the PCN letter is issued the 312 letter would go out and would not stop the building permit it would be about four months worth of building that would start in a month and he believed they would be open and have all their sign off's in about six months. He added that they could come back in nine months for good cause the commission could extend it. He added they didn't think that it would be a problem that when she opened she would be paying rent and had been paying rent.

Commissioner Lorin moved to approve

Commissioner Joseph seconded the motion.

VOTE:

AYES - Commissioner Pred, Commissioner Lorin, Commissioner Leong, Commissioner Josesph,

Commissioner Shlain, Commissioner Meko. Commissioner Alan,

NOES -

Commissioner Alan explained what a conditional was to Ms. Fakouri and that it didn't give her the ability to operate her business as if she had a full permit. He added that the staff

and commission would be available to offer her assistance.

c. White, Chris C., dba Richshaw Stop, 155 Fell Street, Place of entertainment.

Commissioner Alan stated the commission had never had a Richshaw Stop application before and was curious to know what they would be doing.

Casey Williams stated that he and Mr. White both liked bikes and wanted to have a bicycle theme. He added fundamentally the aim was to be a fun restaurant bar and nightclub.

Commissioner Joseph stated what part of Rickshaw's stop was Squish Squirrel Farm.

Mr. Williams stated that it was their LLC.

Commissioner Joseph stated that since they would be located near to the building would the Commissioners enjoy coming to their club.

Mr. White started his wife was with the health department and they had most of them over and

they enjoyed it.

Commissioner Lorin asked was he aware of the recommended stipulations put on the permit by northern station.

Mr. White added that they were aware of the stipulations and had no problem with them.

Commissioner Lorin stated there were five Stipulations.

Commissioner Leong asked was the sound-proofing sufficient.

Mr. White stated that it was and that officer Anzar was out about a week ago and he gave them a thumbs up. He added the buildings former use was a sound stage were they shot television commercials and recordings. He added luckily there was a great deal of soundproofing when they took it over.

Jocelyn stated that the application was complete. and every single approval was in and it was their 30-day hearing and they deserve the commission's accolades for working really

hard on getting all their applications in.

Public Comment

No public Comment

Commissioner Leong moved to approve the motion. Commissioner Lorin seconded the motion with the five conditions opposed by Northern Station.

VOTE:

AYES - Commissioner Pred, Commissioner Lorin, Commissioner Leong, Commissioner Josesph,

Commissioner Shlain, Commissioner Meko. Commissioner Alan,

NOES -

d. Kim, Kap H., dba Encore Karaoke Lounge, 1550 California Street, Place of Entertainment.

Commissioner Meko stated if Mr. Kim passed his sound check with officer Anzar. Mr. Kim stated he had an inspector out years ago and the sound technician checked it back then. He added that they couldn't raise the sound higher than it was permanently set at and the door was locked and they could not open it without a technician's key. He added since then

they have not had any problems.

Commissioner Alan stated that staff indicated that the sound inspection by officer Anzar for the particular application had not yet been received.

Mr. Kim stated that the only inspection required was for the health department, fire department and zoning department, which they finished.

Commissioner Joseph stated that he was required to complete seven. She added that he needed seven sign offs for any place of entertainment permits, which were planning, Building, Electrical, Fire, Health Noise Abatement, and DPT.

Commissioner Alan added that he needed seven of them and one of them was noise abatement.

Mr. Kim stated he spoke with the Health Department inspector last Friday and he asked him what other inspection he had to do and he told him to consider it as a temporary permit and there would get other approval and

send it to the department.

Jocelyn stated he had five of the seven already done. She added noise abatement was one that they needed to get finished, and the Building department hadn't responded.

Mr. Kim stated he had a problem with the building department. He added he went to the building department and couldn't get a exact number. He added the number he was contacted wasn't responding so he finally contacted Health Department and an inspector gave him the number.

Jocelyn stated that he could call her for the correct numbers.

Commissioner Leong stated on his application he wrote his hours of operation were from 12 Noon to 2:00 AM. He added what was the applicant doing at 12:00 Noon.

Mr. Kim stated that he applied for 12:00 Noon but their busiest hours were from 6:00 PM to 2:00 AM. He added that some times once a year they have special events like birthday parties and

games that were held on Saturday and Sunday

and on those days no body was below their

building.

Public Comment

No public Comment

Commissioner Lorin moved to approve

the motion. Commissioner Shalin seconded

VOTE:

AYES - Commissioner Pred, Commissioner Lorin, Commissioner Josesph, Commissioner Shlain, Commissioner Meko. Commissioner Alan,

NOES - Commissioner Leong,

Commissioner Alan explained the meaning of

an conditional permit to the applicant. He added

that Jocelyn would assistant him with contacting

the departments that failed to sign off on his

application.

5. COMMISSIONER COMMENTS

AND QUESTIONS

Commissioner Alan stated that he would like the commissioners adhere to interim guidelines for Commissioners Comments. He added out of respect for the volunteer efforts on the commission and to the various individuals who came to the hearings. He added that in light of potential differences that may come up in the work of the commission that they maintain a level of civility amongst the commissioners and that they do not call out each other in their comments and

that they maintain respect and decorum of each other at all times during the commissioners comments.

Commissioner Leong stated to clarify his concerns and the reason he voted against item 5d. were the operating hours from 12:00 Noon to 2:00 AM. He added there was a school not too far away and that was his concern. He added that they had already started to vote on it and it was too late to really say anything about it.

Commissioner Alan stated for the purposes of clarification the ABC also in the granting of the permit has a 100 ft rule. The rule said that if there is a transfer or a new license being applied for within 100 feet of a school, church or residence that they would take it into consideration at the time that the ABC license is granted. He added that he did not want to be know as the commission that defers authority of the ABC. He added that they would be probably much more critical of a liquor establishment being open during school hours next a school than the commission would need to be.

Commissioner Meko stated he had a brief follow-up from his comments from the last meeting. He added with regard to mediation as they develop actual practices for mediation at the next Organizational Development Committee meeting he added he would submit a draft of statement of principles controlling mediation Policies and procedures for the Entertainment Commissioners and staff. He added that he would put it out for Organizational Development and he thought it would be best if they had a couple of meetings to hash things out before developing practices. He added it was important that they set some principles in place. He added in regards to the comments he made at the last meeting of developing a cooperative relationship with the police department. He added he had a little test case going on at the south of market its minor issues with the same complainant who for a period for more than one year would call the police and the police never filed a report. A week ago Friday he did call southern station and for the first time southern did file a report. The next step will be to see when the report is eventually forwarded to staff so they can begin to do their part of the equation. He added that it was a positive step. He added he hoped that in the near future they could discuss what he talked with the acting captain at southern station about was perhaps getting a pilot program off the ground to find out what the police department wants from the Entertainment Commission and express to the police department what they expect of them.

Commissioner Joseph stated that she had the opportunity to take part in the goings on this past weekend. She added she was overwhelming proud of San Francisco and the commission should do something for all the folks involved. She added that there were invitations for the commissioners to the event for

Cavalia and to please rsvp for the event.

Commissioner Alan stated that the new production Cavalia had graciously extended invitations to the commissioners for the new production called Cavalia.

Commissioner Joseph explained the details of the Cavalia production to the commissioners. A Cirque Du Soleil type of show that includes 33 horses they have never performed in the USA before and this was their USA debut in San Francisco. She added that her and Jocelyn were able to facilitate the show coming to San Francisco. She added that it was an example of what the Entertainment Commission could do to bring shows to stimulate the economy.

Commission Leong stated that he attended the Chinese New Yeas Parade and he thought it was a great success, he added that he didn't have the final numbers yet but he estimated that it was probably 400,000 to 500,000 thousand people in attendance.

Commissioner Pred stated that he would be at a conference at the next scheduled Entertainment Commission meeting and therefore he would be absent.

Commissioner Alan stated that tomorrow evening at 6:00 PM Supervisor Ammiano was having a second in a series of public hearings on the San Francisco International Art Festival. He added that the Commission was the sponsoring agency and the commission voted to assist the San Francisco Arts Festival in their quest to secure funding through the legislation that Supervisor Ammiano is bringing forward. He added that they would have an opportunity for the various components of the arts community to express their questions.

Commissioner Alan stated that he had received a request from Youth Space and asked staff if they had heard a response for their request for a list of public assembly

spaces from the San Francisco Fire Department.

Bob Davis stated that they had not had response yet but were told they would get one this week.

Commissioner Alan stated that he would forward information Yoke Taylor who is the Executive Director of Youth Space. He added they were currently looking to locate an all ages' Youth Space somewhere in the central part of the city. He added they have previously over the last year in a half been in a lease which resulting in them spending several hundred thousand dollars and had not received anything and didn't get the keys to the space. He added that he has offered his personal assistance to help make sure that there last $200,000 they have in there grant fund can actually got o them opening a youth space. He added one of the challenges the Executive Director was when they go out into a commercial rental market and announce that they want to open an all ages youth performance and entertainment space the landlords were opposed. He added that he thought they could make the list of public assembly certified buildings available and they could do some cross checking to assist them.

Commissioner Alan stated that he got married in the festivities that occurred over this weekend. He added that it took a great amount of courage for Mayor Newsom to come forward with such a dramatic bold stroke. He added that the commission should comp template as individuals how the commission might take and ride part of the wave of change and bring a entertainment component and they could have an all ages youth prom or a wedding reception at the Bill Graham Civic Center and raise money for whatever legal defense fund that was going to be required.

6. EXECUTIVE DIRECTOR'S REPORT

The Director reported the following:

- He apologized to the Commissioners that he had not received the badges do to his participation in the marriage ceremonies.

- Due to the result of the YMCA incident the commission has been asked put forth legislation through supervisor Maxwell

They do have a sample of

legislation that they presented to

Supervisor Maxwell for her preview. He added as of today they were asked to modify it to include some language that was part of the Park & Recreation language for the supervision of 18 and under. He added that the Supervisor asked them to include a clause for people 18 and under.

- The Youth Commissioner and him meet with Supervisor Maxwell today to talk about other forms of joint promotion that could occur. He added they came up with an idea that they would like the commissioner to sponsor called the Summer Bash a series of events a youth party in City Hall.

- In conjunction with that because of the budgetary crises Supervisor Maxwell asked the commissioner through its contacts with promoters to hold a fundraiser that would help to fund some of the youth events.

- He stated that he would also check with the commander Suhr to find out were the reports were particularly the one Commissioner Meko from Southern station. To make sure the request that was put in writing does take effect.

Officer O'Neil stated that he did not know how it was going because they were not put in the particular loop. He added that the memorandum that he recalled instructed the code enforcement officers to forward any incidents through the chain of command to the deputy chief. He added he didn't know what type of oral considerations were involved and he didn't recall the memo specifically

saying it would automatically referred to the commission. He added depending on the reports there were certain rules governing the release of incident reports and they would have to be vetted.

Commissioner Alan stated that it was his understanding that was why they were going through FOB so the process could occur and then the commission could develop in the files of each permit holder and incident history that could assist commission in making decisions about the permit.

Officer O'Neil stated that tomorrow he would send an inquiry up the chain. He said typically FOB does not redact or review these reports and he wasn't sure if they were familiar with the requirements for release. He added typically when they got things like that they would send them over to the legal department for a review for what could or could not be released.

Commissioner Alan stated that he did not need to know the names just the incidents that occurred.

Captain O'Neil stated he would check and explain the summary of events assuming information was being given.

7. REPORTS FROM THE EVENTS

COMMITTEE

Nothing to Report.

8.REPORT FROM ORGANIZATIONAL DEVELOPMENT COMMITTEE

Commissioner Shlain stated due to the holiday no meeting was held. He added

that the By Laws were in the works.

9. DISCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETING

Public Comment

Mr. Rennie requested that the matter of Bill Graham be added. He added that there was some funny business between Clear Channel and they have a situation were SNG does not require 10B officers at their events and it took a threat of an injunction. He added that the big boys coming into San Francisco threatening the locals and it is hurting the city.

Mr. Woods with the late night coalition

stated that he would no longer permit fire permits, he added that they would like the Entertainment Commission to meet with them.

Bob Davis stated they had a meeting scheduled with the fire department and they were in the process of updating the codes and their records.

10. ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at

6:34 PM.

Respectfully submitted by Crystal Stewart.

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Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, March 2, 2004 at 5:00 p.m.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of February 17, 2004. **[Action Item]**

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission **[Action Item]**

   a. **Neeraj Gore, McKee, Brandon, Latzka, Zakariah, dba "Element," 1028 Geary Street - Place of Entertainment.**

   b. **Kahn, Stephen, dba "Off-Market," 965 Mission Street, #205 & #250 - Place of Entertainment.**

   c. **Tesfazgi, Nebiat, dba "Club Wazeima," 543 Divisadero - Place of Entertainment Amendment.**

   d. **Chung, Eric, & Au, Patrick, dba "Suede," 383 Bay Street - Extended Hours Premises.**

   e. **Awadalla, Nizar, dba "Nizario's Pizza," 3840 Geary Blvd. - Extended Hours Premises.**

5. Discussion of Temporary Occupancy Permits as they relate to Entertainment Permits.

6. Commissioner Comments and Questions.

7. Executive Director's Report (Bob Davis, Executive Director)

8. Report from Events Committee (Joseph Pred, Chair)

9. Report of Organizational Development Committee (Jordan Shlain, Chair)

10. Discussion of agenda items for future Entertainment Commission Meetings [Action Item]

11. Adjournment

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

March 02, 2004

MINUTES OF THE

MARCH 2, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94606

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Bruce Lorin

Jim Meko

Jordan Shlain

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:06 PM.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Dr. Jordan Shlain, Bowman Leong and

Bruce Lorin

Absent were, Commissioner Joseph Pred

Staff present were, Robert Davis and Jocelyn Kane and Crystal Stewart

2. PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the agenda.

Commissioner Joseph dedicated the meeting in memory of Mr. Neil Lewis a San Francisco resident and a DJ in for many years.

Public Comment

Tys Senffen resides in San Francisco. He stated tomorrow was Park & Recreation's Commission sub-committee meeting about concerts. He added there was a hole that the concerts in the park were falling into that was not being handled by Park & Recreation or SFPD.

Commissioner Alan stated that the commission was aware of the meeting and that Bob Davis would be present at that meeting.

Mr. Mark Rennie stated in the last two months he has had three clients before the commission in the western addition. He gave a brief description of the history of the Fillmore area. He added that the Fillmore District was one of the more important parts of the city in terms of entertainment and he thought there was a revival going on which was great.

Public Comment closed

3. REVIEW AND

APPROVAL OF MINUTES

Commissioner Leong moved to adopt the Minutes of the February 17, 2004 Regular Meeting of the Entertainment Commission; Commissioner Lorin seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph,

Commissioner Shlain,

NOES - *None*

ABSENT- *Commissioner Pred*

Public Comment is closed.

Brigette LaBlanc, Event Manager of City Hall stated that she was responsible for bringing additional revenue into City Hall by way of private evens sold Monday through Sunday. She added that she meet with Bob Davis and Daryl Burton in regards to Summer Splash an event that will be held at City Hall.

4. Hearing and Possible Action

Regarding Applications for Permits under the Jurisdiction of the Entertainment Commission

a. Neerjai Gore, McKee, Brandon, Latzka, Zakariah, dba "Element," 1028 Geary Street - Place of Entertainment

Mr. Eric Whittaker on behalf of Mr. Gore.

Stated that they meet with the lower Polk Neighborhood Association. He added that he was there to answer any questions the commissioners or neighbors might have.

Commissioner Alan stated had the applicant received a response from northern station.

Jocelyn Kane stated that they had received a response and approval from city planning.

Commissioner Alan asked had Mr. Whittaker had a chance to review the district station E recommendations.

Mr. Whittaker stated that he did review the conditions. He added that he would like the permit to be open until 2:00 AM. He added they originally applied for a POE of extended hour. He spoke with officer Gallagher and he had reservations about it. He said they would hold off, and operates for six months and prove themselves as responsible operators and then move on with the extended hours.

Commissioner Alan asked Lt. Schlotz to clarify the reasons why officer Galliger inserted a 1:30 AM restriction into the recommendation.

Lt. Schlotz stated that officer Galliger was opposed because there was a methadone clinic and prostitution near the area. She added that he felt they were not ready and there had been numerous fights recently with the extended hours permit.

Commissioner Lorin stated that 1:30 AM was a standard that had been used for years.

He added it was to aid the permit holder in clearing their establishment by 2:00 AM.

Commissioner Joseph stated she agreed with Commissioner Lorin when it came to entertainment. She asked the applicant what type of entertainment he would have at his establishment.

Mr. Neerjai resides in San Francisco stated there would be live DJ's.

Commissioner Joseph asked the applicant what was the building previously.

Mr. Neerjai stated it was a nightclub before and they were revamping the entire building.

Commissioner Joseph stated that she had issues with dead buildings in questionable neighborhoods, because if they were not operational buildings they draw prostitution and drug dealing. She added that he should stop serving alcohol at 1:30 AM and should be able to play music until 1:55 AM.

Commissioner Meko asked Commissioner Joseph if they were talking about a live band would he say the same thing.

Commissioner Joseph stated no, she added a live band should end at 1:30 AM.

Commissioner Meko stated the POE they would be granting did not specify and at any point they could change from a DJ to a live band he said the Entertainment Commission did not prohibit it.

Mr. Neerjai stated that they didn't have any plans for a live band but if the commission wanted to use that for an exception if there was a live band they could play only until 1:30 AM. He added that the occupancy was 88 people.

Commissioner Lorin stated if his long- range plan was to go for extended hours

and northern station recommends 1:30 AM he would support northern station. He added he should take the 1:30 AM, be good citizens and they might not have any problems getting extended hours.

He added from his own experience it's difficult to empty places by 2:00 AM.

Commissioner Meko stated that the club shouldn't have to go silent and they could put the sound system on autopilot so they could have music until closing time.

Commissioner Alan stated that under the law once the live DJ stopped playing music and it went to autopilot then a place of entertainment permit was no longer needed and he would not be in violation.

Commissioner Lorin stated there was no prohibition to music continuing but there was to a paid employee to generate the music as entertainment.

Neerjai stated that the entertainer could burn a cd with the same music as long as he backed off they could play his music as loud as permitted by law until 2:00 AM. He added what if they were an independent contractor.

Commissioner Lorin stated that they would have to cease at 1:30 AM.

Neerjai stated it made no difference if the music was played by a burned cd or a DJ as far as the commission concern was getting people out at 2:00 AM. He added was a responsibility for the operator and if they didn't follow through with it he assumed the commission had permission to pull the permit or ABC could say it was an unruly house.

Commissioner Lorin stated he was correct and that they would expect to see the applicant back in a year.

Neejari stated that they wouldn't come back if officer Galliger and SFPD thought there was a problem, he wouldn't rock the boat. He added that he was trying to understand the concept of the difference.

Commissioner Alan stated to the applicant that there was a cooling off period. A period of time at the end of the evening were there is a noticeable difference in the volume the pace of the music and the lighting that signals a cooling off period for the crowd.

Commissioner Lorin stated dancing was part of a place of entertainment and the place of entertainment would be for 2:00 AM. He added they were stipulating the entertainer cease entertaining at 1:30 AM.

Commissioner Jordan stated did the applicant get any sense from northern station that 1:30 AM was locked in for them, and a year from now they would

give their blessings at a later time.

Mr. Neerjai stated that they pulled their extended hours application and he had not received any indication to the 1:30 AM time limit until this point and time.

Public Comment

No public comment.

Commissioner Joseph moved to approve with the restriction from Northern Station

Commissioner Leong Seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Josesph, Commissioner Shlain

NOES - Commissioner Alan, Commissioner Leong

ASBENT - Commissioner Pred

b. Kahn, Stephen, dba "Off Market," 965 Mission Street, #205 & 250 - Place of Entertainment

Mr. Stephen Kahn and his business partner Matthew Quinn.

Jocelyn stated that the applicant's application was complete.

Commissioner Alan asked if the applicants had a presentation to give to the commission.

Mr. Kahn stated they did not have a presentation.

Commissioner Lorin stated how many nights a week the applicant intended to operate.

Mr. Kahn stated they would operate three nights a week.

Commissioner Lorin stated would they operate at three nights a week forever.

Mr. Kahn stated no, they would like to a later time to amend it and have productions on other evenings of the week.

Commissioner Lorin stated why did the station suggest that it be limited.

Mr. Kahn stated that it was written into their lease that they could do Thursday's, Friday's and Saturday's and may be responding to that.

Jocelyn stated Mr. Kahn came into the office and she assisted him with all the paper work.

Commissioner Leong stated did Mr. Kahn have approval from the fire department.

Jocelyn stated that Mr. Kahn did.

Commissioner Lorin stated would the landlord be open to allowing Mr. Kahn to operate on other days.

Mr. Kahn stated he had planned to speak to the landlord about it.

Commissioner Meko stated that he lends his support to the establishment and added that it was a beginning of revitalization of the mid market area.

Public Comment

No Public Comment.

Commissioner Lorin moved to approve. Commissioner Shlain seconded the Motion

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Josesph, Commissioner Shlain***

Commissioner Alan, Commissioner Leong

NOES - ***None***

ASBENT - ***Commissioner Pred***

c. Tesfazgi, Nebiat, dba "Club Wazemia, 543 Divisedero - Place of Entertainment Amendment

Mr. Rennie representing the applicant stated

he was fascinated with his client and liked what they had going at their establishment. He added the place previously hosted B.B King, Ike and Tina Turner, James Brown, Billy Holiday and Bobby Webb and the club was still in tact. He added that they served Ethiopian food and the prices and staff were great and asked the commission to grant their extension until 2:00 AM.

Commissioner Joseph stated how long the applicant had been operating the restaurant.

Mr. Beshue stated he had been operating it for a little over four years.

Commissioner Joseph sated what type of entertainment the applicant had at his establishment.

Mr. Beshue stated he was blues and jazz theme.

Commissioner Meko stated did they forward any conditions.

Commissioner Alan stated they did not forward any conditions.

Sgt. Porto with SFPD stated that they were in agreement with the extended hours. He added that the applicant had been in operation for four years with no complaints.

Captain Erhlich stated they had no complaints and they were in support of the extended hours. He added would the establishment continue as a restaurant business.

Mr. Beshue stated that in the beginning of 1991 he made a commitment to the neighborhood to continue as a restaurant.

Mr. Rennie stated that the applicant had a 42 license, which is a beer; wine public premise meaning they did not have to serve food. He added they were deciding if they wanted a 47 or a 48 license, which was for a restaurant. He added they were not allowed to have anyone on the premise that was under 21 years of age.

Commissioner Alan stated would the applicant keep their kitchen open after 12:00 AM.

Mr. Beshue stated that he would serve until 11:00 PM.

Commissioner Leong stated had the applicant-received word from Planning.

Jocelyn stated that they had and the application was complete.

Commissioner Shlain moved to approve.

Commissioner Leong seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Josesph, Commissioner Shlain

Commissioner Alan, Commissioner Leong

NOES - None

ASBENT - Commissioner Pred

Public Comment

Joel Federman resides at 67 Henry Street, and was a regular patron of the restaurant. He added that it was an outstanding restaurant. He added he brings people from out of town and it was a real asset to the community. He added that applicant would not allow the atmosphere of the restaurant to become voice tress or noisy.

Amy with Supervisor Gonzalez's office spoke on his behalf to encourage the commission to extend the hours for the applicant. She added Supervisor Gonzalez stated they were great neighbors in an area that desperately needed good neighbors and economic revivalism.

Connie Ford a resident of the neighborhood. She stated she loved the club and has meetings and family events there and the food atmosphere was excellent.

John Wood with the SLNC stated he supported the applicant. He added that it could play a role in creating a very interesting little cultural district. He added

that the applicant had a slight problem of his liquor license. He added that perhaps the commission could help the applicant to get his liquor license extended.

Michael Helquist a resident of San Francisco stated when the club came to the neighborhood; they had spoken to the owners. He added that the neighbors were concerned about the extended hours and how it would contribute to the problems they were having. He stated that after several years had past it became clear to the neighbors that the club was not part of any problems that was going on in Divisdero. He added the club was great and there were no concerns with the quality of the area. He added that he would rather have the extended hours instead of the closed storefront.

Tise Sniffen, president of North Panhandle Neighborhood Association stated that he had a letter of support and 1,360 signatures of support for the applicants extended hours. He added that every aspect of the club was a benefit.

Dean Preston resides in San Francisco. He added that he was in strong support of the applicant. He added that the place was a community treasure. He added that he approached by the owners about hosting events. He added they were very concerned about their neighbors and their concerns. He added the support of the applicant was overwhelming.

Richard Kay a native San Franciscan who lives in the area and the president of the Haight and Divisedero Association. He added they have enjoyed seeing it thrive, he stated previously it was boarded up and since then the club has made the neighborhood thrive.

Public Comment

Public Comment Closed

Commissioner Alan stated that the show out of support spoke to what was required if you were a business to reach out and build community around your entertainment.

Commissioner Meko moved to approve.

Commissioner Lorin seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan, Commissioner Leong

NOES - None

ABSENT - Commissioner Pred

d. Chung, Eric, & Au, Patrick, dba "Suede," 383 Bay Street - Extended Hours Premises

Mr. Eric Tao resides in San Francisco, he was asking for a continuance. He added that they had a big community meeting and it was determined that certain issues needed to be thought through prior to having the commission to make a decision. He added that he was asking for a continuance until April 6, 2004.

Commissioner Joseph stated what was the club previously before and were they different owners.

Mr. Tao stated there was a club prior called Base but were under the same ownership. He added there was a change in management.

Commissioner Meko stated that he appreciated that the applicant recognized he had some neighborhood problems and was giving himself another month to resolve the issues.

Commissioner Meko moved to approve a continuance for one month

Commissioner Lorin seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan, Commissioner Leong

NOES - None

ASBENT - Commissioner Pred

Public Comment

No Public Comment.

e. Adwalla, Nizar, dba "Nizario's Pizza," 3840 Geary Blvd. - Extended Hours Permit

Mr. Adwalla stated he did not have a place of entertainment he only sold slices of pizza.

He added that he did have some business on the weekend after 2:00 AM. He added during the weekdays he did not have that much after 2:00 AM. He asked to have his extended license.

Commissioner Lorin stated that he opposed the permit. From his experience there was a pizza parlor that didn't have an after hours permit and they tried to sell slices through the door to people on the street. The police were called down on every weekend to clear the area. He added it perpetuates the problems and creates disturbance on the streets for the neighbors He added Richmond station provided stats of fights in the area after 2:00 AM.

Commissioner Joseph stated he was really close to the bars and when they close everyone wants pizza after the bars closed.

Mr. Adwalla stated that it was a positive on his part because they would have alcohol in their system and could come to his place for a slice of pizza instead of driving.

Commissioner Joseph stated she objected because it was a public safety issue when bars dump everyone out at 2:00 AM and they stay there. She added that it was a public safety issue.

Commissioner Meko stated that he echoed the comments of Commissioner Lorin and Joseph and they should listen to Richmond Station and he said there were a number of calls in regards to public safety.

Jocelyn stated that the applicant had not seen any documents relating to complaints.

Commissioner Lorin stated that for the benefit of the applicant should meet with Richmond station and he could be better informed how Richmond station felt about it.

Mr. Adwalla stated that he would be more than willing to meet with them. He added there was an issue of people coming at 2:01 AM asking for a slice of pizza and they couldn't just say no.

Commissioner Lorin stated the way to alleviate the problem would be to close at 1:00 AM.

Lt. Schotz stated that officer Connelly had faxed her over information that she wanted the commission to be fully aware of. She added that in the last four months that all the calls had happened. She added personally that if the applicant had no idea it was happening, how was he running his business. She added they have business on weekends after 2:00AM if they are only open until 2:00 AM how was he having business. She added if he didn't know how to say no, he needed to rethink his plan of business.

Commissioner Shlain stated that it wasn't an attack on the applicant but that the commission was looking at the big picture.

Commissioner Joseph stated was the applicant not aware of the calls.

Mr. Adwalla stated that he was aware of the calls.

Commissioner Joseph stated was the applicant closing his business at 2:00AM.

Mr. Adwalla stated they were ordered to do so by the police office and had been doing so for the last 17 years.

Commissioner Leong stated that as an owner of a business and with large number of phone calls to the police department in a short period of time he didn't see continuing it because of public safety he added the problems would continue if he closed at 2:00 AM or 3:00 AM.

Commissioner Alan stated to the applicant that they had a study in contrast. He added that the previously applicant had spent a great deal of time reaching out to their community. He added that it would be in his best interest to continue the item to give him the opportunity to work with his neighborhood, the police department and staff to find out if they could be a way for him to have extended hours in a beneficial way.

Public Comment

Captain O'Neil with SFPD stated that the disturbances had been discussed. He added that Pat Oshea's was next to Mr. Adwalla's and both establishments were open late. He added that the noise was causing disruption with the neighbors.

Public Comment closed.

Commissioner Lorin moved to approve to continue to the call of the chair

Commissioner Leong seconded the motion.

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain***

Commissioner Alan,

NOES - ***Commissioner Leong***

ASBENT - Commissioner Pred

6. Discussion of Temporary Occupancy

Permits as they relate to Entertainment Permits.

Commissioner Alan stated that as a reminder to Commission and staff its been almost two months ago that they heard testimony from the fire Marshall and Chief Building Inspector Laurence Kornfiled as it related to their fact findings in what temporary occupancy permitting processing was in place with both departments. He added had the commission received anything.

Bob Davis stated that they had not received anything specific. He added that a transmittal was sent to the building and fire department. He added that he had meeting with the chief of the Fire Department on Monday. He added it was on their list and they were looking into it. He added that there would be a shake out period and the dialog would be continued.

Commissioner Alan stated that he direct a letter to both the Chief Building inspector and the Fire Department. He added that they said they had indicated when they were present that they would respond to the commission within 30 days. He added that he understood there was a transition they still had request of the public to use spaces for entertainment purposes.

Bob Davis stated there was a definite change in the temperament of the new Fire Marshall.

7. COMMISSIONER COMMENTS & QUESTIONS

Commissioner Leong stated that he attended the meeting of the San Francisco International Arts Festival with Commissioner Alan and he would like to see it happen.

Commissioner Shlain stated he had been getting calls about doing interesting things for the city He added that he was approached about a fashion week that

they had in New York and Milan and the reason they didn't have on here was because San Francisco was a bit fashion challenged. He added that she had a lot of juice with the international community to bring in major fashion designers as well as sponsors here but in order to do that they would need to be an organizing agent.

Commissioner Joseph stated that the closet thing that they had to fashion was the Macy's Passport event that showcased five designers. She added that commissioner Shalin's idea to sponsor local music and bands at the farmers market was a great idea. She added what they needed to do, as a group was to come up with a list of activities or people they could contact and bring the events to town. She added it would be a huge asset to the economy alone.

Commissioner Alan stated that he would like to thank commissioner Joseph for bringing Cavalia to San Francisco.

Commissioner Alan stated the San Francisco International Arts Festival would have monthly meetings and he requested that Assemblyman Mark Leno to make a space available in the state building to hold those meetings.

Commissioner Alan stated that the club City Nights had a problem that was in the Examiner. He added that it was one of the very few venues were 18 years were able to go out. He added there was a problem there.

He added that someone e-mail e-mailed him demanding his resignation. He added that there was a lot public safety issue that came up.

8. EXECUTIVE DIRECTOR'S REPORT

The Director reported the following:

- Bob Davis stated that the commissioner's Form 700 had to be in by April 1, 2004.

- Bob Davis stated that Park & recreation had a meeting tomorrow that he would be present at. He added that they had received complaints about the overlap between the commission and Park & Recreation, which he is trying to resolve with the City Attorney. He added that they were coming up with a mitigation plan for the noise at Sharon Meadows. He added there was a letter circulated that was never issued that would have assisted them and there was no a change in the command staff and they were basically starting over.

- Bob stated that the issue of 10B's city attorney's office at the urging of legislation or resolution being proposed by Supervisor Maxwell is a way to standardize the allocation of 10 B offices for an overall standard policy.

- Bob Davis stated that Kelly's had its first event and the event went well. He added there was no response from the Police station. He added that it was good first step.

- Bob stated that they had a number of venues that want to have repeated events. He added that if possible the commission could issue a single permit rather than have them come back on a bi-weekly basis.

- Bob Davis stated that at the urging of commissioner Shlain Crystal had agreed to help with the badges.

9. REPORT FROM THE EVENTS COMMITTEE

Nothing to report

10. REPORT FROM ORGANIZATIONAL DEVELOPMENT COMMITTEE

Commissioner Shlain stated that the By Law was in the works. He added that the commissioner should read every single detail because it was rules and how it would work now and years down the line. He added that Commissioner Meko had been working a statement of principle that was circulated.

Commissioner Meko stated there was a draft to of the Principals approved by the Organizational Development Committee to look over and amend as they so choose. He added that he was given a mandate by Organizational Development to formally get the mediation process off the ground for the commission and department they were building. He added that it was rare when mediation was required but that it was important when the neighbors came into the equation. He added that the Department was working on it already but they needed some guidance from the commission. He added they needed to be looking at mediation efforts regarding permits that are pending before the commission as well as existing permits.

11. DISCUSSION OF AGENDA

ITEMS FOR FUTURE

ENTERTAINMENT

COMMISSION MEETINGS

Commissioner Meko stated that the Principal's be brought forth as an agenda item.

Commissioner Joseph stated developing a list of references should be made like caterers and sound facilitators. She added that they needed to actively develop a list to send to vendors and people in the industry.

12. ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at

7:10 PM.

Respectfully submitted by Crystal Stewart.

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Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, March 16, 2004 at 5:00 p.m.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of March 2, 2004. **[Action Item]**

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission **[Action Item]**

   a. **Quan, Mike, dba "Loft 11," 316 11th Street, Extended Hours Premises**

   b. **Eagleson, Mike, dba "Magnet," 1402 Grant Ave, Place of Entertainment**

   c. **Carouba, Joseph, dba "Gold Club," 650 Howard Street, Place of Entertainment/Extended Hours Premises**

   d. **Bacchus, Mohamed, and Samuel, Damien, dba "Utah Saloon," 500 4th Street, Place of Entertainment**

   e. **Bickel, Matthew, dba "Catalyst Cocktails," 312 Harriet Street, Place of Entertainment**

   f. **Marenco, Roger, and Youtt, Jonathan, dba " Mission Village Market," 2955 18th Street, Itinerant Show Permit**

   g. **Hsu, Howard, dba "Hollywood Billiards," 1028 Market St., Place of Entertainment - Amendment (major), Billiard Parlor - Amendment (minor), & Extended Hours Premises - Amendment (minor)**

5. Commissioner Comments and Questions.

6. Executive Director's Report (Bob Davis, Executive Director)

7. Report from Events Committee (Joseph Pred, Chair)

8. Report of Organizational Development Committee (Jordan Shlain, Chair)

9. Discussion of agenda items for future Entertainment Commission Meetings [Action Item]

10. Adjournment

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

March 16, 2004

MINUTES OF THE

MARCH 16, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94606

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Bruce Lorin

Jim Meko

Jordan Shlain

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:14 PM.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Dr. Jordan Shlain, and Bruce Lorin

Absent were, Commissioner Joseph Pred and Commissioner Bowman Leong

Staff present were, Robert Davis and Jocelyn Kane and Crystal Stewart

Jordan Shlain Arrived at 5:19 P.M.

2. PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the agenda.

Public Comment

Mr. Mark Rennie stated it was disturbing that the Entertainment Commission was leaving issues up to the police department to handle.

Captain O'Neil stated that the police department was in the works of creating a spreadsheet of reports for the Entertainment Commission that would list details of incidents at clubs and they would be able to fax them over to the commission the same day.

John wood stated that the Board of Supervisors passed a vote for 18 and over to apply to the Entertainment Commission for after hours dance permits. He added that Mayor Newsom stated he would sign it. He added that it should be put on the Organizational Development Agenda.

Public Comment closed.

Brad Nye is the Executive Director of the ArtSFest a non-profit organization. He stated that their mission was the same as the Entertainment Commission. They are planning a number of programs and services to develop and promote the arts. He added they had magazine and television interviews and feels they will make a big impact and wants to work closely with the Entertainment Commission.

Richard Felix is the Program Director for the ArtSFest. He stated that they want to work closely with other organizations to bring event to San Francisco and wants to develop an umbrella-marketing plan. He added that he would like the Entertainment Commission to proclaim May, as Arts Fest month. He added that they were working on night performances that would include galleries and clubs. He added their overall vision was to make San Francisco visible.

Chair Alan stated that he should meet with Jocelyn in getting their proclamation.

3. REVIEW AND

APPROVAL OF MINUTES

Commissioner Shlain moved to adopt the Minutes of the March 2, Regular Meeting of the Entertainment Commission; Commissioner Meko seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph,

Commissioner Shlain,

NOES - None

ABSENT- Commissioner Pred, Commissioner Leong

Public Comment is closed.

4. Hearing and Possible Action

Regarding Applications for Permits under the Jurisdiction of the Entertainment Commission

a. Quan, Mike, dba "Loft 11," 316 11th Street, Extended hours Premises

Staff recommended that they continue the

item for the next meeting.

Commissioner Lorin moved to approve to continue item for the next scheduled meeting Commissioner Shlain seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph,

Commissioner Shlain,

NOES - *None*

ABSENT- *Commissioner Pred, Commissioner Leong*

b. Eagleson, Mike, dba "Magnet," 1402 Grant Avenue, Place of Entertainment

Mr. Eagleson is the owner of Magnet. He added that he unfortunately had to go to City Planning for his conditional use on April 7, 2004. He added that they would have soft piano playing tunes at their establishment. He added that he had not heard of any complaints with his establishment.

Chair Alan stated that tenants in building wrote letters that complained about problems with noise. He added that a noise abatement officer would come out and test it.

Commissioner Meko stated that having to go through conditional use is not a bad thing. Although it is an extra step in the planning process, it gives the neighbors more input when their interests are an issue.

Commissioner Joseph stated did the applicant have soundproofing in the establishment. Mr. Eagleson stated that he did not know if he did and they would not be having music up stairs.

Commissioner Joseph stated that sound travels and soundproofing would be a good idea.

Commissioner Lorin stated that why couldn't they conditional grant the applicant his permit so they would not have to drag the applicant back.

Commissioner Meko stated that although he would like to see this permit conditionally granted, he felt we shortchanged the process if we weighed in before the applicant had resolved his issues with the

Planning Department.

Commissioner Meko stated that we should not act until the planners had resolved the "big picture" aspects of this application.

Chair Alan stated that in the passed they have followed the suggestion of Commissioner Lorin.

Commissioner Lorin stated the public had the opportunity to speak after the posting. He added that the problem would be that the neighbors would not be informed. He added that whatever was discussed at the Planning Commission. He added that they motion they approve. Comm. Joseph seconded the motion.

Commissioner Meko stated if they voted on the notion it would shut off the neighborhoods say. He added if it were to continue the neighborhoods would have another opportunity to discuss it and that it would be fair.

Chair Alan stated that the public had 30 days to speak on the hearing he added that even if they would wait they had no ability to put conditions on the permit.

Commissioner Lorin moved to approve. Commissioner Joseph seconded the Motion

VOTE:

AYES - ***Commissioner Lorin, Commissioner Josesph, Commissioner Shlain & Commissioner Alan***

NOES - ***Commissioner Meko***

ASBENT - ***Commissioner Pred, Commissioner Leong***

Public Comment

No public comment.

c. Carouba, Joseph dba "Gold Club," 650 Howard Street, Place of Entertainment/extended Hours Premises

Public Comment

John Wood stated that it was a policy issue.

He added that southern station had been making city policies and the 47 license holders gave up their rights. He added that it was an issue rather the Entertainment Commission would go along with southern station.

Chair Alan stated that he would accept a friendly amendment.

Commissioner Meko stated that he objected.

Commissioner Meko moved to approve. Commissioner Lorin seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Josesph, Commissioner Shlain

Commissioner Alan,

NOES - None

ASBENT - Commissioner Pre & Commissioner Leong

Public Comment

Public Comment Closed

d. Bacchus, Mohamed, and Samuel, Damien, dba "Utah Saloon, 500 4th Street, Place of Entertainment

Mr. Rennie is speaking on behalf of the applicant. He added that the goal of the applicant was to keep it as live entertainment. He added they would accept the restrictions.

Commissioner Meko moved to approve a continuance for one month

Commissioner Lorin seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan,

NOES - None

ASBENT - Commissioner Pred, Commissioner Leong

Public Comment

No Public Comment.

"Dwalla, Nizar, dba "Nizario's Pizza," 3840 Geary Blvd. - Extended Hours Permit

Chair Alan stated was the applicant present.

Jocelyn stated that the attorney called the office numerous times and she had not received the items they needed.

Chair Alan stated they could take the item and carry it forward.

Commission Lorin stated that the police department came across the same problem and they requested the applicant to be at the first hearing.

Commissioner Meko moved to approve to continue to the call of the chair

Commissioner Lorin seconded the motion.

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain***

Commissioner Alan,

NOES - ***None***

ASBENT - ***Commissioner Pred & Commissioner Leong***

f. Marenco, Roger, and Youtt, Jonathan, dba" Mission Village Market," 2955 18th Street, Itinerant Show Premises

Mr. Jonathan Youtt stated that he was present to apply for a bundle of permits.

Commission Alan stated was there a flea market permit.

Bob Davis stated that it was a good idea to bundle the permits so that the applicant didn't have to keep returning back to the Entertainment Commission.

Mr. Youtt stated they were a non-profit organization registered with the city. He added they had programs for youths.

Commissioner Lorin stated that the bundle permits would set precedence.

Bob Davis stated that when there was a non-profit they could make some determinations that it was a worthy endeavor to make it easier for them to exist.

Mr. Youtt stated that since they had started it they have been on the way up.

Commissioner Joseph moved to approve

Commissioner Shlain seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan,

NOES - None

ASBENT - Commissioner Pred & Commissioner Leong

g. Hsu, Howard, dba "Hollywood Billiards," 1028 Market St., Place of Entertainment - Amendment (major), Billiard Parlor - Amendment (minor), & Extended Hours Premises - Amendment (minor)

Mr. Wood stated that Mr. Hsu was a member of the board and he had been added to the permits. He added the second was to resolve a conflict in his place of entertainment. He added that they requested to eliminate condition no. 4 to be removed from the POE. He added that the conditions were part of the liquor license.

Commissioner Joseph stated she did not have a problem with adding a name. She added from a letter from Atty. officer Torres that they no have an interest in the business. She added that he was requesting that the Entertainment Commission revoke license.

Bob Davis stated that the city attorney advised them to.

Commissioner Lorin stated was the Entertainment Commission aware.

Officer Torres stated that it was his memo that the permits be revoked. He added

that now they had a change in ownership. He added that Mr. Hsu could explain the situation.

Officer Torres stated that he removed the permits. Since then new owners have taken over but had not received documentation from new owner.

Chair Alan stated there were two letters of conflict.

Officer Torres stated that they decided that they'd work with the new owners with restrictions on item no. 4. He added they had conditions from ABC as to what is live entertainment they could have. He added anything else would be a violation. He added if he agreed to conditions they would approve. He added that condition be changed on permit. He added that Mr. Hsu should have all their permits at their place of business.

Commissioner Joseph stated did officer Torres know who legally owned the business.

Officer Torres stated that they had requested the information.

Mr. Hsu stated that there was a sale in process in July of 2003. He added that transfer of the business never cleared escrow. He added the letter came after shooting in front of the business. He added that Randy had written a letter that it had been sold but it had been not. He added that he had added himself to the business to clean up the past operations.

Chair Alan stated that the ABC restricted their business to not use a microphone.

Commissioner Lorin stated that they continue all the proceedings and go back to December and deal with the issue of the shooting.

Officer Torres stated that back then it was a good idea because the elements

were there they had a new owner operating without permits. He added that now the attorney's had made agreements and it was a little late to take any actions.

Chair Alan stated that could he go on record and say the agreement be withdrawn

Bob Davis stated that at the time they received the letter they went to the Entertainment Commission's attorney.

He added they were acting with the full instruction of the city atty.

Captain O'Neil stated that he would like to make a recommendation. He added that the new owners were acting under the old permit and the new owners came in and the permit was seized. He added that it was not an amendment but rather a new application. He added that to amend a permit that had a hazy history was questionable. He added that they should send it back as a regular application.

Commissioner Lorin stated he agreed with the captain, but that the processions of the permits should be returned to the applicant because they hadn't had a hearing to remove them. He added legally they should return the permit to them.

Chair Alan read clarification of changes in establishment.

Bob stated that when the package came to them it came as one package. He added that they were prepared to move forward with the new owner.

Commissioner Joseph stated that as a commissioner she had a fiduciary responsibility to uphold the law.

Chair Alan stated that they should have the original documents and endorsed filling from the state and they were operating blindly.

Commissioner Lorin stated that the obvious things would be to continue it.

Commissioner Meko seconded the motion.

Ms. Sholtz stated that when an officer sends over an important document that the Entertainment Commission should move forward with some action. She added that maybe next time they could learn from it.

Chair Alan stated the confusion came with the dates of the two letters.

Mr. Wood stated that more documentation needed to be brought forward. He added that the police department gave the applicant premises to have catering. He added that Mr. Hsu would be happy to bring in that document.

Public Comment closed.

Commissioner Lorin moved to approve to continue it.

Commissioner Meko seconded the motion.

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain***

Commissioner Alan

NOES - ***None***

ASBENT - ***Commissioner Pred & Commissioner Leong***

Recess: 7:20 P.M.

Reconvened 7:30 P.M.

6. Discussion of Temporary Occupancy

Permits as they relate to Entertainment Permits.

Bob will check with the Fire Department.

- **7.COMMISSIONER COMMENTS & QUESTIONS**

Commissioner Joseph stated that the entertainment Commission had done some great things.

Chair Alan stated that he meet with Live Sound Magazine. He added they observed sound quality and the concerns of the SFLNC had that sound could be a health issue. He added there was a way to alter the sound in a club.

8. EXECUTIVE DIRECTOR'S REPORT

The Director reported the following:

- Bob Davis stated that the commissioner's Form 700 had to be in by April 1, 2004. He added if they were not in by April 1, 2004 the commissioner would be fined $10.00 a day.

- Bob Davis stated that he and Jocelyn would be having a meeting on March 25, 2004 at 10:00 AM for the requirements of the sound technician.

- Bob Davis requested that Captain O'Neil do a permit for Port property on April 6, 2004.

- Bob Davis stated that the Budget for the Entertainment Commission looked good for this year and next year. He added that he wanted specific details from Commissioners on how to maintain the budget.

9. REPORT FROM THE EVENTS COMMITTEE

Chair Alan stated that the monthly nuts and bolts of the meetings had been about Halloween 2004.

10. REPORT FROM ORGANIZATIONAL DEVELOPMENT COMMITTEE

Commissioner Shlain stated that the Organizational Development Committee had been putting bylaws in forth. He added that the item be added to the agenda. Other items were the press principle.

11. DISCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETINGS

Commissioner Lorin stated that they heard from the public first. He added was that something that the commission was doing differently.

Commissioner Shlain stated that the public made a very strong case that the applicants had been less than truthful from the Reds incident. He added there was no specific way and could be set up according to the Entertainment Commission.

Commissioner Lorin agreed but stated that if they were going to make changes there should be a group vote.

Commissioner Shlain stated that those comments should come at the time of the By Laws.

Commissioner Joseph stated that she wanted to have a closed session meeting.

- **12.ADJOURNMENT**

Having completed all business, the Entertainment Commission adjourned at

7:55 P.M.

Respectfully submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, April 6, 2004 at 5:00 p.m.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that is within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of March 16, 2004. **[Action Item]**

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a) **Carouba Joseph, dba "Gold Club" 650 Howard Street, Place of entertainment/Extended Hours Premises**

      1. **Discussion and possible action to excuse President Alan from voting on permit application:**

      2. **Possible action to ratify conditional approval of permit at the meeting of March 16, 2004.**

   b) **Saxe, David, dba "V-The Ultimate Variety Show," Pier 39, Q5/Q6, Place of Entertainment**

   c) **Quan, Mike, dba "Loft 11," 316 11th Street, Extended Hours Premises**

   d) **Phan, Frederick, dba "Sapphire Asian Cuisine & Bar," 475 Sacramento, Place of Entertainment**

   e) **Shaw, Wilfred, dba "Fluid Bar & Lounge," 662 Mission Street, Extended Hours Premises**

   f) **Kernan, Deirdre, dba "California Academy of Sciences," 875 Howard Street, Place of Entertainment Extended Hours Premises**

g) **Stevens, Jon S, & Reichert, Robin, dba "Studio Z-Transmission Theater," 314 11th Street, Place of Entertainment Amendment/Extended Hours Premises - Amendment**

5. Public Comment on all matters pertaining to the closed session.

6. Closed Session pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b):

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

a. Robert Davis, Executive Director,
b. Jocelyn Kane, Deputy Director
c. Crystal Stewart, Commission Secretary.

7. Reconvene in open session:

Vote to elect whether to disclose any or all discussions held in closed session (San Francisco Administrative Code section 67.12(a).) **[Action Item]**

8. Discussion and vote to adopt the "entertainment Commission - "Principles of Mediation."

9. Discussion and vote to adopt the Entertainment Commission - "By Laws" Entertainment Commission.

10. Discussion and possible action to replace the Events Committee Chair - Commissioner Pred.

11. Discussion and vote to adopt bifurcated Events Committee Meeting Schedule where one meeting a month is devoted to Halloween Planning and appoint an interim Chair for those meetings – President Alan.

12. Discussion and possible action regarding the granting of a proclamation stating that "May 2004 is Arts Fest Month"

13. Commissioners Comments and Questions.

14. Executive Director's Report (Bob Davis, Executive Director)

15. Report from Events Committee (Joseph Pred, Chair)

16. Report from the Organizational Development Committee (Jordan Shlain, Chair)

17. Discussion of agenda items for future Entertainment Commission Meetings. [Action Item]

18. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

City and County of San Francisco
Entertainment Commission

April 06,2004

MINUTES OF THE

April 6, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94606

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Bruce Lorin

Jim Meko

Jordan Shlain

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:07 PM.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Dr. Jordan Shlain, Bruce Lorin and Commissioner Joseph Pred

Staff present were, Robert Davis and Jocelyn Kane and Crystal Stewart

Commissioner Bowman Leong arrived at 5:14 PM.

2. PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the agenda.

Public Comment

Ms. Lu Lu Bagaman is the producer for Papillon a musical concert and it was

their 4th year of the Asian Production. She added that she wanted support from community and sponsorship.

Vlad Cood owner of the Whisper Lounge resides in San Francisco introduced himself to the commission.

Commissioner Leman Shy with the Youth Commission stated the Youth Commission consisted of 17 young people age 12 to 23 who were appointed by the supervisors or the Mayor to represent the youth. He added one of the main priorities of the Youth Commission was the lack of safe recreation and entertainment for youth. He added they recently celebrated the success of the passing of the 18 and over after hours legislation that was passed by the Board of Supervisors and signed by the Mayor last Thursday.

Commissioner Alan stated that he was in communication with Iyuka Turner the director of Youth Space. He added they had a small amount of funding. He added that he had tried to assistant Ms. Turner in locating a venue that could be permitted for an all ages event and gathering space. He added that Ms. Turner was going to disband their organization because they could find no one in San Francisco to rent them space. He added that when they found out they were doing youth events the landlords ducked and covered and pulled out of the agreement.

Commissioner Shy stated that they had been going through the struggle over seven years and it was really a shame.

Mr. Howard Hsu stated he came before the Commission on March 16, 2004 calendar for the amendment to three permits. He added that he had a letter from Don Lee a holder of the permits. He added it would hopefully answer some of the questions that came up in the last hearing.

Commissioner Alan stated at the last meeting they continued the item to the call of the chair and would continue the item and his letter would be added to his file.

Public Comment closed.

3. **REVIEW AND**

APPROVAL OF MINUTES

Commissioner moved to continue the Minutes of the March 16, Regular Meeting of the Entertainment

Commissioner Alan stated he had a few corrections.

Commission Meko moved to approve to continue the minutes for corrections; Commissioner Joseph seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph,

Commissioner Shlain, Commissioner Pred, Commissioner Leong

NOES - None

ABSENT-

Public Comment

No public comment

4. **Hearing and Possible Action**

Regarding Applications for Permits under the Jurisdiction of the Entertainment Commission

Commissioner Alan stated that the item had been put back on the agenda by his request.

He added that the assistant chair Commissioner Joseph would step into his role and rehear the item. He added for purpose of clarification at the time the item was heard a business that he owned was not in contract with the Gold Club to do work, however following the granting of the permit a contract for work was giving making the appearance of a potential conflict.

Commissioner Alan passed the chair to Commissioner Joseph who presided over item 4a.

a. Carouba Joseph, dba "Gold Club" 650 Howard Street, Place of entertainment/Extended Hours Premises Permit

Mr. Espedal is the attorney speaking on behalf of the applicant resides in San Francisco.

Commissioner Lorin asked had anything changed on the conditional grant so they could grant it and what was the vote of the commission.

Bob Davis stated the vote was unanimous.

Commissioner Lorin moved to approve to conditional grant the permit Commissioner Meko seconded the motion.

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Joseph,***

Commissioner Shlain, Commissioner Pred, and Commissioner Leong

NOES - ***None***

ABSENT-

Recused ***Commissioner Alan***

Commissioner Alan returned to the hearing room and resumed duties of the chair.

b. Saxe, David, dba "V-The Ultimate Variety Show," Pier 39, Q5/Q6, Place of Entertainment

Tom Rubino resides in Las Vegas. He added his show was a live performance currently running at the Venetian in Las Vegas and they would be bringing their show to San Francisco. He added that there was a restaurant and bar in lobby area with table seating. He added that David Sax was the producer of the show and he had written permission to speak on his behalf.

Commissioner Joseph stated would they both be available to speak with during the event.

Mr. Rubino replied they would be available.

Commissioner Meko stated had they been through the sound check.

Mr. Rubino stated that they had a sound system checked.

Commissioner Leong stated he had an opportunity to see the show and gave it a good a review.

Public Comment

No public comment.

Commissioner Joseph moved to approve. Commissioner Leong seconded the Motion.

VOTE:

AYES - Commissioner Lorin, Commissioner Josesph, Commissioner Shlain & Commissioner Alan

Commissioner Meko, Commissioner Pred, and Commissioner Leong

NOES - None

ASBENT -

c. Quan, Mike, dba "Loft 11," 316 11th Street, Extended Hours Premises

Commission Alan asked if the applicant was present.

Jocelyn stated that the applicant chose not to appear due to the fact they were waiting on other requirements to be cleared.

Public Comment

No Public comment.

Commissioner Meko moved to continued to the call of the chair Commissioner Lorin seconded the

motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Josesph, Commissioner Shlain

Commissioner Alan, Commissioner Pred, and Commissioner Leong

NOES - None

ASBENT -

d. Phan, Frederick, dba "Sapphire Asian Cuisine & Bar," 475 Sacramento, Place of Entertainment.

Fred Phan stated that he was targeting age's 35 to 40 year olds to his establishment and they would be serving food and cocktails.

Commissioner Alan stated were there residential units with in his area.

Jocelyn stated that the applicant was only missing noise abatement.

Comm. Alan stated to keep in touch with staff.

Public Comment

No public comment.

Commissioner Pred moved to continue this item to the call of the chair Commissioner Leong seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan, Commissioner Pred and Commissioner Leong

NOES - None

ASBENT -

e. Shaw, Wilfred, dba "Fluid Bar & Lounge," 662 Mission Street, Extended Hours Premises

Mr. Peter Man resides in San Francisco stated they had a segment on evening magazine trying to bring a new level of night entertainment to San Francisco.

Commissioner Alan stated what new level of entertainment would he bring.

Mr. Man stated that they had an "LED" lighting system that was operated by a

computer controlled the floor lighting from every color of the rainbow. He added that they brought in some of the best DJ's in the city.

Commissioner Joseph stated that she saw the place and it was remarkable.

Commissioner Meko asked had he had any noise complaints.

Mr. Man stated that he did not have any complaints.

Public Comment

Lt. Schlotz stated that she had spoken with other officers and they told her that they had no complaints. She added that she knew the applicant and they seemed responsible.

Peter Garin stated that he supported the applicant. He added that he was glad that he was raising the bar and holding a high standard.

Public Comment

Public comment closed.

Commissioner Joseph moved to approve Commissioner Meko seconded the motion.

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain***

Commissioner Alan, Commissioner Pred and Commissioner Leong

NOES - ***None***

ASBENT -

f. Kernan, Deirdre, dba "California Academy of Sciences," 875 Howard Street, Place of Entertainment

Ms. Deirdre Kernan resides in Sausalito. She added that she was applying for a permit to continue evening events on a modest scale that consist of cocktail parties and small dinners with no amplified music.

Commissioner Joseph stated that she had the opportunity to host an event at the Academy of sciences and it was great.

Public Comment

Lt. Shclotz was representing Captain Grosion to protest the after hours.

Commissioner Alan stated after looking at the agenda the applicant was not requesting after hours.

Commissioner Pred moved to conditionally approve

Commissioner Leong seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan, Commissioner Pred and Commissioner Leong

NOES - None

ASBENT -

g. Stevens, Jon S, & Reichert, Robin, dba "Studio Z-Transmission Theater," 314 11th Street, Place of Entertainment Amendment/Extended Hours Premises – Amendment

Mark Rennie appearing on behalf of the applicant John Stevens. He added they were appearing tonight to add John Steven's on to an existing permit.

Public Comment

Robert Reichert resides in San Francisco stated that he would like to have John Steven's on the permit.

Mark Rennie stated it was the most expensive name-add he had seen for $2,850.00. He added that there was an agreement made with staff was to split the two issues and not pay a second application fee. He added that it was a fight and had been going on for a year and sat on the police department desk for at least 90 or 120 days were they argued about what was being charged. To have it heard they paid the $2,850.00.

Commissioner Pred stated that he knew John Scott's reputation for throwing parties and events in the city and he had an excellent reputation.

Commissioner Lorin stated what kind of inspections where required. Bob Davis stated that they were required the standard inspections.

Commissioner Meko stated was it to become before the commission six months ago.

Mr. Reichert stated that he believed it was about seven or eight months ago.

Commissioner Meko stated at that time there were complaints about noise from one of the neighbors.

Mr. Reichert stated that Commissioner Meko would probably be more up to date than he would because he knew that he kept an ear close to the neighborhood. He added that it was his understanding there had been not complaints.

Commissioner Meko stated as part of the on-going process was he doing the soundproofing he had promised to do six or seven months ago.

Mr. Reichert stated that there had been a great deal of effort to address sound in several ways.

Commissioner Meko asked was he retaining sole ownership of the ABC license.

Mr. Reichert stated that the ABC license was in his name. He added that he added John Scott Steven's on as a qualified manager.

Commissioner Meko asked what percentage of ownership.

Mr. Reichert stated that he didn't give an answer on the percentage of ownership. He added the intent was for them to buy the liquor license from him or come on as full partners. He added that it had not happen yet. He added that in the long term it would be more of 10 or 20 percent ownership.

Mark Rennie stated the ownership of the liquor license was one issue. The second issue was Studio-Z was the promoter in that venue they own no percentage of the liquor license however because they were helping to manage the liquor under a 405 application with the ABC.

Commissioner Meko stated that he had this corner and all of its intrigues a pet project of his since joining the Commission he added he looked forward to talking again.

Public Comment

John Wood with the SFLNC stated that he had known John Stevens for five years and had been involved in lots of productions. He added that he could attest to his character he added he would like to see the Commission help them to get the 1515 space eventually permitted.

Public Comment closed.

Commissioner Pred moved to approve for a conditional approval.

Commissioner Leong seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan Commissioner Pred and Commissioner Leong

NOES - None

ASBENT -

Commissioner Alan stated they were going

into a closed session.

Public Comment

Public Comment closed.

Recess: @ 6:50 P.M.

Reconvened @ 7:50 P.M.

5. Public Comment on all matters pertaining to the closed session.

Public Comment

Barry Taranto resides in San Rafael stated that he would like staff to look into the close issue of Broadway and North beach. He added that there are blockades in North Beach area. He said that they had a major problem and cab service would be diminished if the police department continued to close the main arteries into North Beach Between midnight and 2:00 A.M.. Friday's and Saturday's.

Public Comment closed.

Commissioner Lorin moved to not to disclosed matters to the closed session

Commissioner Leong seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan, Commissioner Pred and Commissioner Leong

NOES - None

ASBENT -

8. DISCUSSIONS AND VOTE TO ADOPT THE "ENTERTAINMENT COMMISSION -"PRINCIPLES OF MEDIATION."

Commissioner Meko stated that Organization Development passed out a draft about five weeks ago and distributed to meetings ago to the Commissioners with a request that they provide feedback. He added that Commissioner Joseph had rather extensive comments regarding it. He added that where it came from was very important.

He added that the commission talked a lot about promoting entertainment in the city. He added that he thought it was necessary to go back to the legislation that created the commission to understand that it was not the only goal of the commission. He read from the first section of the legislation item no. 6 and 7. He added that from those reasons in Org. Development that he moved into continuous discussions in the committee regarding mediation, policies and

procedures. He added that document is not a "how to book" it's all about basic assumption or principles. He added it was not a mission statement for the Entertainment Commission it was specifically about mediation and mediation becomes necessary when things were not working right.

Commissioner Meko moved to continue the document of Principles for Mediation

Commissioner Lorin seconded the motion

Public Comment

Public Comment closed

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain***

Commissioner Alan, Commissioner Pred and Commissioner Leong

NOES - ***None***

ASBENT -

9. Discussions And Vote To Adopt The Entertainment Commission - "By Laws"

Commissioner Shlain stated there were a number of comments came in. He added there were some issues that needed to be discussed. He added that Commissioner Lorin brought up the issue of the quorum. He added that they had written the by laws to reflect a simple majority. He added that Commissioner Lorin weighed in that he felt that if there were a quorum of commissioners, which was four, and then they needed four out of four votes to make something happen. He added that his recommendation was to have a simple majority.

Commissioner Lorin stated at the minimum they should have four people voting for approving a permit or denying a permit.

10. Discussion and possible action to replace the Events Committee Chair-

Commissioner Pred.

Commissioner Alan stated that the item has been withdrawn the President.

11. Discussion and vote to adopt bifurcated Events Committee Schedule where one meeting a month is devoted to Halloween Planning and appointment intern Chair for those meetings – President Alan

Commissioner Alan stated that they are doing a serious of monthly meeting the third Wednesday of the month.

12. Discussion and possible action regarding the granting of a proclamation stating, "May 2004 is Arts Fest Month"

Commissioner Alan stated they are moving forward for having May of this year for the kick off ArtSFest 2004. He added they made a request o have a proclamation proclaiming May as ArtSfest month.

Public Comment

No public comment

Commissioner Lorin moved to approve May 2004 as ArtSFest month

Commissioner Jordan seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan, Commissioner Pred and Commissioner Leong

NOES - None

ASBENT -

13. COMMISSIONERS

COMMENTS & QUESTIONS

Commissioner Lorin stated he thought staff should take over the posting of premises to have more control and be assured of timely positing.

Commissioner Meko stated he and Commissioner Alan and Bob Davis went down to the Bay view station for more discussions with some very angry neighbors with Kelly's Mission Rock.

Commissioner Joseph stated that she thought it would be good to seek a recommendation from Board of Supervisors

which would include language that would say that the Board of Supervisors recommends to insurance companies in the city and county of San Francisco not to penalize people for youth space.

Commissioner Pred stated that he echoed Commissioner Meko's comments about the 11th street corridor issue. He added he had received a lot of informal feedback from people about the practice and he thought it was about time they took some action. He added that for both the regular events meeting and the Halloween specific meetings since they had become aware of and involved with all aspects of planning and events related issues to feel free to forward those items to the agenda.

Commissioner Alan stated that Monday April 19, 2003 at Sacramento government Services Committee of the assembly bill 2344 to extend last call to 4:00 AM would be heard.

14. EXECUTIVE DIRECTOR'S

REPORT

The Director reported the following:

- Bob Davis stated the saga of Kelly's continues he added he attended a town hall meeting on Saturday.
- MOU's are moving forward. They are evaluating the salary and job descriptions before they will push the positions so they have been asked to wait.

- Bob Davis stated he arranged for a meeting with Supervisor Peskin to talk about permitting street performers. He added that Supervisor Peskin was looking into the lack of access in North Beach.
- Bob Davis stated that Muni would help out the Commission with advertising.
- Bob stated the Teen Dance was requested to move it back from June 18th to July due to the police department's budget of over time availability.
- Bob Davis stated he got an email response from Capt. O'Neil on reporting procedure for responding on incidents with in 72 hours.

15. REPORT FROM THE EVENTS COMMITTEE

Commissioner Alan stated there was an agreement to not meet in April, however to meet again in May and skip June and meet every month until Halloween. He added there was a series of question that evolved from that meeting and they would distribute them to at the meeting that will form the agenda.

16. REPORT FROM ORGANIZATIONAL DEVELOPMENT COMMITTEE

Report redacted.

17. DISCUSSION OF AGENDA

No agenda items to discuss.

Public Comment

Public comment closed.

ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETINGS

No items to discuss.

- **12.ADJOURNMENT**

Having completed all business, the Entertainment Commission adjourned at 8:50 P.M.

Respectfully submitted by Crystal Stewart.

City and County of San Francisco
Entertainment Commission

April 20, 2004

Notice and Agenda for Meeting

Tuesday, April 20, 2004 at 5:00 p.m.

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Room 406, City Hall

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that is within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting for March 16, 2004 and April 6, 2004 **[Action Item]**

4. Presentation on SLARM technology.

5. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

- **a)Chin, Tae, dba "Ted's Sports Bar and Grill," 398 7th Street, Billiard**

Parlor.

- **b)Bickel, Matthew, dba "Catalyst Cocktails," 312 Harriet Street, Place of Entertainment.**

- **c)Robertson, Cody & Corkery, Patrick, dba "Nickie's," 460 Haight Street, Place of Entertainment**

6. Hearing and possible action regarding proposal to change name of "Organizational Development Committee" to "Executive Committee." **[Action Item]**

7. Discussion and possible action to rename and possibly adopt the "Mission Statement for Mediation Policies and Procedures for Entertainment Commissioners and Staff" **[Action Item]**

8. Discussion and possible action to adopt the Entertainment Commission - "By Laws." **[Action Item]**

9. Commissioners Comments and Questions.

10. Executive Director's Report (Bob Davis, Executive Director)

11. Report from Events Committee (Joseph Pred, Chair)

12. Report from the Organizational Development Committee (Jordan Shlain, Chair)

13. Discussion of agenda items for future Entertainment Commission Meetings.

14. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from

the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine.** For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force

Donna Hall, Administrator

City Hall, Room 409

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102-4689

Office: (415) 554-7724

(Fax): (415) 554-7854

(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

April 20, 2004

MINUTES OF THE

April 20, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Bruce Lorin

Jim Meko

Jordan Shlain

Joseph Pred

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:20 PM

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Dr. Jordan Shlain, and Bruce Lorin

Absent at the time of roll call were, Bowman Leong

Staff present were, Robert Davis, Jocelyn Kane and Crystal Stewart.

2. PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the agenda.

Public Comment

Mr. Shawn Westscott resides in Pacific Heights with the organization "Save the Theatres" he stated they were working on two initiatives for the November ballot. He added the first effort was to save the single screen theatres in the city and the second was to bring the independent film industry to the city. He added the way they were doing it was through a financing option thorough the city and in the process of exploring the options. He added they were looking for support from the commissioners and wanted to make it beneficial to the economy of the city.

Commissioner Joseph asked had he spoken

with the members of the gay and lesbian film festival and the Jewish film festival and gotten all the film festival that the city had and got them on board.

Mr. Westscott stated they were in the process of getting all the organizations on board.

Chair Alan stated that he should meet with the staff for assisting him in navigating his endeavors.

Public Comment

Public Comment closed.

3. REVIEW AND

APPROVAL OF MINUTES

Commissioner Lorin moved to approve the Minutes of the March 16, 2004 and April 6, 2004 regular Meeting of the Entertainment Commission;

Commissioner Meko seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph,

Commissioner Shlain Commissioner Pred,

NOES - None

ABSENT- Commissioner Leong

4. PRESENTATION OF SLARM TECHNOLOGY

Mr. Noland Lewis with SLARM demonstrated his presentation for sound for noise pollution. He added SLARM was a solution to record the levels of noise with the system for documentation and evidence the solution was to record the problem. He added his system was alert for club owners. He added that it saved on enforcement resources.

Commissioner Joseph asked was he suggesting that they tell club owners to use the device.

Mr. Lewis stated based on the problems they had with noise it would be helpful.

Commissioner Lorin asked what the device cost.

Mr. Lewis stated that it cost $2,000.00.

Chair Alan stated the reason for the SLARM presentation was there were occasion that they may encounter a chronic complainer and this device would give them an opportunity to compare and to see if the complaint was justified. He added both of them had a consistent time line basis.

Commissioner Leong arrived at 5:45 P.M.

5. Hearing and Possible Action

Regarding Applications for Permits under the Jurisdiction of the Entertainment Commission

- **a.Chin, Tae, dba "Ted's Sports Bar and Grill, "398 7th Street,- Billiard Parlor**

The applicant was not present.

Commissioner Meko stated he supported the applicant.

Public Comment closed.

Commissioner Meko moved to approve full grant.

Commissioner Leong the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Josesph, Commissioner Shlain

Commissioner Alan, Commissioner

NOES - None

ASBENT -

- **b.Bickel, Matthew, dba "Catalyst Cocktails", 312 Harriet Street, - Place of Entertainment**

Eric Whittaker stated they were interested in getting a place of entertainment permit.

Commissioner Meko asked the applicant to explain the nonconforming status.

Mr. Whittaker stated that they did allow live entertainment. He added the

question came in how would he be able to play albums and not be considered a DJ.

Commissioner Meko stated that in that nighttime entertainment is a non permitted use. He added that the location was allowed to continue as a non-conforming use. He added that they could not intensify. He added that he had a location that stated that they had a permit that said no amplified music.

Mr. Whittaker stated the question was could they play their albums.

Commissioner Joseph explained the difference between a DJ and a disc Jockey. She added that a music consultant didn't tell them what to play.

Commissioner Pred stated that an album was not the media, he added that if someone was mixing and playing one song and switching to another. Its not what was being played but how it was being played.

Commissioner Lorin stated that anyone doing DJ and got paid he or she needed a permit.

Mr. Whittaker stated that if he had a person who wasn't a bar back.

that if he would like to take a chance and play out the jukebox issue he was more than welcomed. He added that the commission was bound to the rules.

Bob Davis stated that the planning commission had jurisdiction.

Chair Alan stated that is not the legislation body by which they could make a change; he added the board of appeals had made changes in the past.

Commissioner Leong stated that he was uncomfortable in moving forward with

it.

Commissioner Lorin asked was a jukebox considered amplified music.

Mr. Whittaker stated that planning stated that they could have a three-piece band. He added rather than losing everything they would take the decision of the commission.

Chair Alan stated that he should consult with his client before making a decision.

Public Comment

No Public Comment.

Commissioner Lorin moved to conditionally grant Commissioner Leong seconded the Motion

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Josesph, Commissioner Shlain***

Commissioner Alan Commissioner Pred

Commissioner Leong

NOES ***None***

ASBENT -

c. Robertson, Cody & Corkery Patrick, dba "Nickies, 460 Haight Street, - Place of Entertainment Amendment

Mr. Rennie appearing with applicant stated that Nickies was a known venue with DJ's that served beer and wine and no food. He added that there had been some noise complaints. He added they had done sound test. He added they

would go along Officer Gallagher's recommendations except for the recommendation of ended entertainment at 1:30 A.M. He added that the 1060 of the police code allowed no such un-bridal discretion on the part of police department to set hours on an entertainment permit and requested that it be stricken.

Commissioner Leong stated what was missing from planning.

Bob Davis stated they had not received anything from planning and needed clarification.

Commissioner Meko asked was the sound check done by officer Anzer the only one or was he coming back.

Mr. Rennie stated that he was coming back and they were doing a slight bit sound continuation on the side door.

Commissioner Lorin stated that the letter stated that he had contacted them from the letter they were given.

Commissioner Lorin stated that he thought they would not proceed until they heard

Mr. Rennie stated in order to save the client an additional trip could they add that conditionally grant be granted subject to the conditions that planning sends in their recommendation.

Public Comment

John Stricklin resides in south of market had been going to Nickies since 1989. He added since they have taken over the venue it had greatly improved the general quality.

John Wood with SFLNC stated it seemed a bit unfair to make the applicant come back again because of planning. He added that Mr. Rennie's solution could meet all the concerns that were necessary.

Public comment closed.

Chair Alan stated that he could see no reason to make the applicant come back before the commission simply because the Planning Commission had not responded.

Commissioner Meko stated that at the last meeting they discuss that planning approval was the "big approval". He added that they

Shouldn't make a determination until they heard from planning. He added what harm would it be to put it off for another meeting.

To give the planning department a little more time to respond.

Commissioner Lorin stated that he recalled this coming up before and the commission agreed they would continue items without approval from planning. He added that this was the first hearing for the applicant and that the applicant showed up in good faith with his attorney and no public showed up. He added that if it was continued the applicant did not have to be present nor his attorney. He added the only question that would come up if members of the public were present there would be nobody to refute whatever they had to say. He added that he saw a problem for a location that never had an entertainment permit before. He added that the battle could take five or six months with the planning department before they got approval and the idea of a conditional grant was that the applicant could go ahead and spend whatever money was necessary to bring their place up to pass all other permits. He added that each place was different and should be taken on an individual basis.

Commissioner Joseph stated that she agreed that it should be taken on an indiviual basis. She added if they place was permitted before its likely it would be permitted again and she recommend to approve.

Commissioner Meko stated that he did know of some circumstances with the planning commission where they had their hearing and heard public comment and the commission had chose to close public comment and continue the item and the item would come back. He added that they could close public comment and continue it to the next meeting and have staff to calendar it as the first item.

Chair Alan stated that like wise they could also conditionally grant it based on making planning's approval one of the conditions.

Commissioner Lorin stated that the cease of the entertainment at 1:30 AM had come to the commission before; he added that anything going past 1:30 AM on a club that that didn't have extended hours was very problematic. He added that it took a long time for a band to break down, and for a club to get their patrons out. He added that if the police department had years of experience of trying clearing places at 2:00 AM and if they thought the entertainment should cease at 1:30 AM he would not go against them.

Commissioner Lorin moved to approve to the item conditionally grant

Commissioner Leong seconded the motion.

VOTE:

AYES - ***Commissioner Leong , Commissioner Lorin and Commissioner Shlain***

Commissioner Meko, Commissioner Pred Commissioner Joseph and Commissioner Alan

NOES - *None*

ASBENT -

Commissioner Joseph stated if the entertainment was a DJ and they cut the music off at 1:30 AM, people would just stop. She added most people knew when they had to close their doors at 2:00 AM they took it down.

Commissioner Lorin stated if they were issuing a place of entertainment permit, he added next month they could have a 12-piece band.

Commissioner Pred stated that they should not legislate how a club chose to run their business they knew the restrictions and general guidelines on how they had to operate. He added if it became an enforcement issue then they would deal with it. He added until then the commission should give them every opportunity to succeed.

Commissioner Jordan asked to hear from Captain O'Neill on the issue.

Captain O'Neill stated he had discussed the issue with some other permit officers because the issue had come up before and that for the post part it was unanimous in Commissioner Lorin's previous description that the police department found themselves to often by circumstances in a response mode and when ever possible took proactive measures so they would not find themselves in those type of situations. He added that they all found that ceases the entertainment at 1:30 AM that it did appear to facilitate to get the crowd out and closing on time with out unruly people that the police department had to respond to. He added some folks are more responsible and diligent than others.

Lt. Shclotz stated that instead of making a decision right now or having him given the opportunity to stay open until 2:00 AM and play until 2:00 AM and then see if there was a problem why not or have him re-apply form 1:30 AM and move it to 2:00 AM to six months to a year if there were no calls to the neighborhood.

Commissioner Joseph stated she had a serious issue with any government agency tried to affect how private businesses were run. She added when police department puts conditions on permits saying they must approve promoters they may as well run the business. She added that if the people violate their permit the commission would it. She added if they were going to stimulate any kind of economy they had to give businesses the right to operate their business.

Commissioner Joseph moved to conditionally grant the permit
Commissioner Pred seconded the motion.

AYES - Commissioner Joseph, Commissioner Shlain Commissioner Alan Commissioner, Pred

VOTE: Commissioner Lorin, Commissioner Meko

and Commissioner Leong

NOES None

ASBENT-

Recess 7:00 P.M.

Reconvened 7:15 P.M

Public Comment

No public comment.

6. Hearing and possible action regarding proposal to change the name of "Organizational Development Committee" to "Executive Committee"

Commissioner Jordan moved to approve the renaming of the Organizational Development Committee to the "Executive Committee"

Commissioner Meko seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan Commissioner Pred

Commissioner Leong

NOES

ASBENT -

Commissioner Joseph stated wanted to delete "developing" and change must to "may" on No. 7 of the Principles for Mediation.

Commissioner Meko stated that he accepted the friendly amendment for the changes.

Commissioner Jordan moved to approve

Commissioner Lorin seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan Commissioner Pred

Commissioner Leong

NOES- None

ASBENT -

Public comment closed

- **7.Discussion and possible action to rename and possibly adopt the "Principles of Mediation adopted by the San Francisco Entertainment Commission"**

Commissioner Meko stated it was the fourth draft and the third title, which was the courtesy of the city attorney. He added at least it had been vetted and the questions of legality had all been covered. He added in the course of developing the set of principles

foundations for a mediation process. He added that he talked about the role that neighborhoods played in the formation of the commission, without neighborhoods support the commission would not be sitting there today. He added that he tried to walk the middle ground in crafting the document.

He added that the neighbors had a right to the peaceful and quiet use and enjoyment of their homes, that's the law, while at the same time the commission encouraged a healthy and vibrant entertainment industry.

He added both sides had to acknowledge the other's fundamental rights to exist and that was what the document was about.

Public Comment

John Wood stated that the SFLNC not just the business centers it represented the

people that go out. He added that that often times they represented the neighbor and worked with Commissioner Meko. He added that he supported the neighbors and Commissioner Meko's efforts.

Public comment closed.

Commissioner Meko moved to adopt the "Principles of Mediation adopted by the San Francisco Entertainment Commission"

Commissioner Lorin seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan Commissioner Pred

Commissioner Leong

NOES- None

ASBENT -

Commissioner Lorin stated he would like to acknowledge that Commissioner Meko did represent the neighborhoods and he respected the position. He added that he would defer to him in most neighborhood discussions and looked toward him for advice on neighborhood issues.

Commissioner Joseph stated that all her comments were incorporated in the document except for two. Item no 5 should be changed from must to "may". She added that item No. 7 should read we are committed to set of tools.

Commissioner Meko stated he accepted the friendly amendment to item no. 5. He added he did not accept the friendly amendment in No. 7 because he thought it would send the wrong signal that they closed it off to ongoing.

8. Discussion and possible action to adopt the "Entertainment Commission - By Laws"

Commissioner Lorin stated that it was a great piece of work and he was ready to vote on it. He added that he had two changes in the table of contents Article 7 Attendance and Article 8 Roles of staff should be reversed He added on page 5 Section 9 add "*A quorum shall consist of four commissioners*". He added that it would be four positive votes to pass anything to continue an item only called for a majority of those present.

Commissioner Jordan stated that on Article 2 Section 1 of the By Laws should read. New F He added that "*no representative of one category of commissioner may hold the office of president for more than two consecutive years.*"

Public Comment

No public comment

Commissioner Lorin moved to approve

And adopt the Entertainment Commission By Laws with the friendly amendments Commissioner Leong seconded the motion.

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain***

Commissioner Alan Commissioner Pred

Commissioner Leong

NOES

ASBENT -

9. COMMISSIONER COMMENTS & QUESTIONS

Commissioner Joseph stated there was a group in association with the SFUSD and the arts commission doing a fundraiser to stop the demolition of art programs in schools. She added that the commission should do some kind of event that will help stop the demolition of arts in school.

Commissioner Joseph asked that staff get a clock timer.

Chair Alan asked had the incident reports begun to be generated and received by the Entertainment Commission.

Bob Davis stated they had gotten reports but with the police officers funeral things had slowed down.

Chair Alan asked if staff had received documents or invitations from the building and fire department regarding temporary occupancies.

Bob Davis stated that they had two meetings schedule but no agreement and this point because they had taken a new position and had to start over again.

Chair Alan stated that they received a space for advertising from Muni he added was the commission able to solicit commercial sponsorship that would pay for the actual printing cost so the commission could put out message about entertainment in San Francisco that were non-commercial.

Bob Davis stated he did not know, he stated that he would refer the question to the city attorney.

Commissioner Jordan stated that it would be good for the commission to have the advertising done to allow the public what was going on.

Bob Davis stated that the people that put up the bus shelters had a policy of assisting for public service messages. He added that he would ask Maggie and seek other outside services.

10. EXECUTIVE DIRECTOR'S REPORT

The Director reported the following:

- Bob Davis stated they had specific format that would carry on the report. He added that Administrative Services met with the Mayor regarding a date for moving into new space.

- Bob Davis stated the Budget director met with the mayor. He added that they the budget that the commission submitted would be found out over the next week. He added that he would come back to the committee with the budget sometime in May.

- Bob Davis stated the status of the MOU's would be sent down to the police department for a final review. He added the commission had taken over the permits for the port but the language was still being worked out.
- Bob Davis stated that he had a meeting to finalize the one night dance to include penalties

- Bob Davis stated that the city atty. had language that will assist the commission on the language of 18 and over.

- Bob Davis stated on new business that he had been invited speak before the planning commission on May 20, 2004 to do language for the commission on how the Entertainment Commission and Planning could work together on a staff level and policy wise.

10. REPORT FROM THEEVENTS

COMMITTEE

Commissioner Joseph stated they should schedule a fundraiser and discuss it at the next Events Committee Meeting.

11. REPORT FROM ORGANIZATIONAL DEVELOPMENT

COMMITTEE

Commissioner Jordan stated that that the new organization of the meeting would go as follows for issues on the table. He added that there would be proactive and reactive as a part of business. He added that it would help the commission to stay focused. He added that the statements of incompatible activities would be due on August 1, 2004. He added that the commission should have their answers for the document.

Commissioner Jordan stated he wanted to send a letter of congratulations to Chief Fong.

Commissioner Jordan stated that the Organizational Development Committee would be renamed as the "Executive Committee." He added that it would effectively become the steering oversight body for the Executive Director. He added that Executive Committee would effectively take input from all of the commissioners.

Public Comment

No Public comment.

Commissioner Jordan moved to approve to change the name of "Organizational Development Committee" to the "Executive Committee"

Commissioner Meko seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan Commissioner Pred

Commissioner Leong

NOES- None

ASBENT -

Commissioner Jordan stated that he wanted to send Chief Fong a letter of congratulations.

12. DISCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETINGS

Commissioner Joseph requested to have an open discussion to permit a promoter and to develop a draft of legislation to get to the board of supervisors.

13. ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at 8:05 P.M.

Respectfully submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, May 4, 2004 at 5:00 p.m.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of April 20, 2004. **[Action Item]**

4. Review letter from City Attorney supporting procedural change to allow the "Conditional Granting" of Entertainment permits prior to the receipt of the Planning Department recommendation. Discuss the possible amendment of "Conditional Grant Notice" that all applicants sign upon receipt of a "Conditional Grant" so that it clearly states the preeminent place the planning recommendation has in the overall permit process. **[Action Item]**

5. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission **[Action Item]**

   a. **Eschelle, Kiri, & Kahl, Dirk & Doren, Stacy & Doren, Benjamin, dba "Living Room Lounge," 1710 Mission Street, Place of Entertainment/Extended Hours Premises.**

   b. **Lee, Mike dba, "Capella," 270 14th Street, Place of Entertainment.**

   c. **Valente, Lynn, dba "Market Street Association," Downtown concert series at various locations July-Sept 2004, Loudspeaker Permit.**

   d. **Jacobsen, Deborah, dba "Kelly's Mission Rock," 817 Terry Francois Blvd., Friday May 7, 2004, 10PM – 4AM. Loudspeaker Permit (Commercial).**

e. **Corkery, Patrick, dba "Charlie's Club," 309 Cortland Ave, Place of Entertainment.**

6. Commissioner Comments and Questions.

7. Executive Director's Report (Bob Davis, Executive Director)

8. Report from Events Committee (Joseph Pred, Chair)

9. Report of Organizational Development Committee (Jordan Shlain, Chair)

10. Discussion of agenda items for future Entertainment Commission Meetings [Action Item]

11. Adjournment

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room *406* is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

May 04, 2004

MINUTES OF THE

May 4, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Bruce Lorin

Jim Meko

Jordan Shlain

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:06 PM

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, and Bruce Lorin.

Absent were, Bowman Leong

Staff present were, Robert Davis, Jocelyn Kane and Crystal Stewart.

2. PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the agenda.

Public Comment

No public comment.

3. REVIEW AND

APPROVAL OF MINUTES

Commissioner Meko moved to continue the Minutes of the April 20, 2004 regular Meeting of the Entertainment Commission;

Commissioner Lorin seconded the motion.

VOTE:

AYES - ***Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph,***

Commissioner Pred,

NOES - ***None***

ABSENT- ***Commissioner Leong***

4. Review letter from City Attorney supporting procedural changes to allow, "Conditional Granting" of Entertainment

Permits

Chair Alan stated that there was a letter from the City Attorney for the commissioners to review regarding a question that was raised at the last meeting about a procedural change in the order in which the Entertainment Commission moved forward relative to the Planning Commission's and Planning department's approval. He added he made a request to the City Attorney to make sure the process that he followed at the last hearing was appropriate and just according to the code. He added from her response it was appropriate.

Bob Davis stated that at the he brought forward a suggestion at the Executive Committee meeting that if the commission would grant the Executive Committee a opportunity to review it from the stand point of staff. He added it was an issue that had a number of variables and staff would like some more

specific instructions than the letter provided in terms of handling all of the various applications that might come before the commission that still had some outstanding issues. He added that he would ask the commission send it to the Executive Committee.

Public Comment

No public comment.

Commissioner Meko moved to approve to forward the letter to the "Executive Committee" for review and procedures Commissioner Pred seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph,

Commissioner Pred,

NOES - None

ABSENT- Commissioner Leong

5. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission

a. **Eschelle, Kiri, & Kahl, Dirk & Doren, Stacy & Doren, Benjamin, dba "Living Room Lounge," 1710 Mission Street, Place of Entertainment/Extended Hours Premises.**

Chair Alan asked what was the status on Mr. Doren's license transfer with the ABC.

Mr. Benjamin Doren resides in Oakland. He added they were on a temporary license in transition.

Chair Alan stated was there anything that Mr. Doren would like to bring to the attention of the commissioners about his application.

Mr. Doren stated that he did not and thought it was fairly well documented.

Commissioner Meko asked if the prior venue (The Butterfly) had a place of entertainment permit and extended hours.

Mr. Doren stated that they a place of entertainment license but he did not believe they had extended hours.

Commissioner Meko asked where the nearest neighbors were.

Mr. Doren stated there were very few neighbors in the neighborhood. He added that on the block two residential types of buildings.

Chair Alan stated that he was aware of the applicant's location and had done an event at the building across the street. He added that they he was aware that neighbors resided on the same block of the applicant's business. He added had the applicant had any outreach to the neighbors.

Mr. Doren stated they had met some of the local businesses in the neighborhood.

Ms. Kiri Eschelle resides in Oakland. She stated that there had been more outreach in the last week and she met with three different residential tenants that live near the 14th street side.

Commissioner Shlain arrived at 5:16 PM

Commissioner Lorin asked if there were any stipulations recommended by the station.

Officer Steve Thoma stated that there were 12 stipulations.

Chair Alan read the conditions A through

L.

- *A.There shall be no violation of the relevant State or Local Noise Ordinance. Further, absolutely no sound from "Livingroom Lounge" shall be audible inside any other residence or business. Amplified sound or any type of live entertainment is strictly prohibited on the outdoor patio area.*

- *B.Except for security guards, "Living room Lounge" employees and patrons shall not be allowed to loiter immediately outside the premises except for entering and transportation purposes.*

- *C.Doors at "Livingroom Lounge" shall remain closed at not time in a "fixed open" position during hours of operation except as is reasonably necessary for the entrance and exit of patrons and employees.*

- *D."Livingroom Lounge" shall not allow patrons to loiter outside of the business, and shall monitor noise levels of person's arriving/ leaving "Livingroom Lounge" events.*

- *E.At least one manager& sound person (who knows how to operate the sound system) shall be on the site during all hours of live or DJ entertainment.*

- *F. "Livingroom Lounge" shall respond to Community complaints within (72) seven-two hours in writing, to the Police Department's Permit Section, the Commanding Officer of Mission Station and the complainant.*

- *G. "Livingroom Lounge" shall exercise sound business judgment and act responsibility in maintaining order on and around the premises. Sound judgment includes notification of the San Francisco Police Department of matters that a reasonable person would believe involve crimes of violence and the use of illegal drugs.*

- *H. "Livingroom Lounge" shall be responsible for daily cleanup and proper disposal of litter from the sidewalk curb areas surrounding the premises by 9:00 AM following each evening "Livingroom Lounge" has entertainment.*

- *I.All persons serving alcoholic beverages shall receive Alcohol Beverage Control (ABC) training. Intoxicated persons shall be refused service.*
- *J.No persons under the age of 21 years shall be admitted to the bar areas within Livingroom Lounge"*

- *K.1. Posting sign defining "Livingroom Lounge" as a smoke free environment per California Labor Code 6404.5*

2. The signs' lettering shall be at least 2 inches high and posted so that they are obvious. The signs are to be unobstructed and posted at all entrances & exits.

- *L.The type of entertainment at the premises will be recorded music live entertainment. There shall be no rap, heavy metal or hard rock type of music at the premises, nor will "Livingroom Lounge" be promoted on radio stations feature rap, heavy metal or hard rock type music.*

Commissioner Meko stated the conditions on the whole were reasonable and mild. He added the commission was startled by the prohibition of rap, heavy metal and hard rock. He added did it relate directly to promises made by the applicants or was it a reaction to previous experiences when it was The Butterfly.

Officer Thoma stated that it was a previous experience of the neighborhood in general. He added they were just trying to keep the noise level down. He added if they had a DJ that played rap or heavy metal that was not going to be a problem. He added they were talking about if they had "rap night or heavy "metal night and that's what they would be against.

Commissioner Meko stated that they had dealt with the issue a number of times and there were some first amendment issues involved that raised the flag. He added the issue before the commission was not so much what kind of music they would play but rather would they be able to contain the sound.

Commissioner Meko stated he would like to see a condition added where a cell phone number is always provided to the neighbors that would be answered at all times they are in operation and add the good neighbor policy.

Public Comment

Mr. Dick Millet resides in San Francisco asked how would they keep smokers from not loitering. He added would they sell beer or wine and what was the capacity of the club.

Jocelyn stated that they had a type 47 liquor license; she added the question to smoking there would be trash receptacles and added security as necessary to keep the people in front of the location. She added the occupancy was 120.

Ms. Kiri Eschelle stated they did not have a patio and they had no plans to have one added. She added that their restaurant was more of fine dining than a nightclub. She added that people would come to eat and leave. She added it was an issue they would deal with when it happened but did not foresee it being a problem. She added that the Butterfly had been in operation for four years and had no problems.

Mr. Sione Tangen resides in San Francisco stated he was a supporter of the First Amendment and was very surprised to see that there were restrictions were made on the heavy metal and rap restriction. He added that he was pleased to see the two commissioners make the motion to remove it. He added that he thought they should be removed due to the Fifth Amendment.

Public Comment closed.

Commissioner Joseph moved to approve the application taking out the restriction on the music Commissioner Lorin seconded the motion.

VOTE:

AYES - ***Commissioner Alan, Commissioner Meko, Commissioner Lorin, and Commissioner Joseph***

Commissioner Pred

NOES - ***None***

ABSENT- ***Commissioner Leong***

Commissioner Joseph stated she moved to approve the applications taking out the restriction on the music.

Commissioner Lorin stated that it was not the commissions place to regulate the type of entertainment its either they have entertainment or not as long as they did not interrupt the neighbors.

b. **Lee, Mike dba, "Capella," 270 14th Street, Place of Entertainment.**

Mr. Michael Lee resides in San Francisco stated they were applying for a Place of Entertainment permit.

Commissioner Joseph asked was his space built as a live work place and if he had only one fire exit.

Mr. Lee stated it was a live work- space built in 1995.

Commissioner Joseph asked if it was true that he only had one fire exit.

Mr. Lee stated there were two front door exits.

Commissioner Joseph asked was the door single or doublewide.

Mr. Lee stated the door was singlewide.

Commissioner Joseph stated that therefore the two doors equaled one exit.

Mr. Lee stated it did have two doors that equaled one.

Commissioner Joseph asked if they would operate with the garage door rolled up.

Mr. Lee stated they would do whatever they needed to do. He added they could operate with the door up.

Commissioner Joseph asked how would he contain the sound if he did that.

Mr. Lee stated he said there would be another wall it didn't open up and the garage was contained itself.

Commissioner Joseph stated she was concerned that he said that his expected occupancy would be 300 people in a space that was legally not able hold more than 49 people. She added she would have concerns unless he put more fire doors in. She added she was concerned that the applicant held illegal parties for two years. She added that she was concerned about the fact that he stated that he didn't know he was doing something wrong. She added that he was closed down a couple of times and continued to hold parties.

Commissioner Joseph asked was it true that the city attorney was looking into his space.

Mr. Lee stated that he was not aware of it.

Commissioner Joseph asked if he ever had a meeting with Mr. Michael Weiss from the city attorney's office.

Mr. Lee stated they had a meeting last September with the police department and their attorney and with a neighborhood group.

Commissioner Joseph stated that she was concerned about the police condition K1 that they post signs defining Capella as a drug free environment which stated that anyone caught with drugs would be ejected from the club. She added was there an ongoing drug problem.

Mr. Lee stated there was not a drug problem in his establishment.

Commissioner Joseph stated that she had been a club owner in San Francisco for years and knew what she needed to do as a club owner. She added that she didn't trust that he would operate his space in a diligent manner.

Commissioner Meko stated that staff informed him they had problems with planning issue. He added did the applicant have a request for variance or had one been granted.

Mr. Lee stated that a conditional variance had been granted.

Commissioner Meko asked what purpose was it granted.

Mr. Lee stated it was for parking.

Commissioner Meko stated there was the issue for the change of use since he was operating in a building, which was permitted for live work. He added had the change of use been settled by city planning.

Mr. Lee stated that he was not sure if it had been scheduled.

Commissioner Meko asked if staff had a recommendation from city planning.

Jocelyn stated that City Planning said there was a variance for the location and it was under advisement that it use changes principally permitted and there was a DR on building permit that was in front of City Planning.

Commissioner Meko asked if the applicant request a discretionary review or did the neighbors.

Mr. Lee stated that the neighbors requested the discretionary review.

Commissioner Meko asked had it been calendared before the Planning department.

Mr. Lee stated that they were made aware of it a couple of days ago and didn't know what the status was.

Commissioner Meko stated that staffed informed him that his Attorney Mr. Whittaker indicated there would be a community meeting.

Mr. Lee stated they had the meeting last night.

Commissioner Meko stated that no ABC license would be pursued until the city planning process was complete. He added he was there pursuing it and his attorney stated he was not going to purse it.

Mr. Lee stated that planning told them a conditional grant of the variance they were encouraged to

Commissioner Lorin stated that a club owner should have the right to get the permit if they applied. He added since there was a planning issue that the item be continue.

Commissioner Shlain stated that Audrey was a diligent club promoter who did all the right things required to operate. He added that he would like to hear the applicant's response to commissioner Joseph's question on the historically issues.

Mr. Lee stated that back in September they were told to hold off all event activities. He added since then they held two friendly events. He added that they wanted to become a legal and accepted venue in going forward they would comply with the rules that everyone else did.

Commissioner Pred stated from a public safety point of view how the applicant was going to handle the issue with the roll up door.

Attorney Eric Whittaker speaking on behalf of the applicant. He added they would do what ever the building department and noise abatement required of them. He added that the applicant was willing to give up the residential aspect of the building to convert it to a change in use so they would lose the residential aspect of the building and all his eggs would be in one basket and would rely on the place of entertainment permit.

Commissioner Meko asked did the applicant have approvals or responses from other department's particular DBI and Public Health.

Bob Davis stated they had a response from the Building Department, Health had disapproved and Building and Electrical had not approved their plans.

Officer Thoma stated that they would revise their condition form.

Commissioner Joseph stated she did not understand what Section E meant and asked the applicant to explain.

Attorney Eric Whittaker stated he did not know what it meant.

Public Comment

Mr. Dick Millet resides in San Francisco asked what was the zoning. He added where they going to serve hard liquor.

Jocelyn stated according to the application CM IPZ zoning and there would be no liquor license. She added they would close at 2:00 AM.

Mr. John Atchison resides in San Francisco and is the president of the *Minna Natoma Neighborhood Association*. He added he was present to voice the communities concerns over the approval of a permit to operate because of the experiences that have had with the applicant over the past two years. He added he was also there to speak on behalf of the people were not present and did not speak English and were afraid to speak up for themselves. He added that he had meet with them and they did not want the process to go forward. He added that one of the things that came to mind was talk was cheap he added that it was fitting for the Capella Center. He added over the past two years they have had nothing but promises made to the neighborhood and since January they had been told over and over not to have activities. He added that the applicant had three different events. He added the association did not trust the applicant. He added they wanted in the Mission was to have a partner come in and be part of the community and work together. He added that they had made a lot of changes in the neighborhood in the last three years. He added it's been a nightmare trying to clean up after them. He urged the commission on behalf of the people that were not present to not approve the application unless they could see action.

John Wood with SFLNC stated that a lot of people started out either not knowing they needed to be legal. He added that people who started out that way try to work towards being legal. He added that he thought the venue would come down to management issues. He added in the long run given all the problems that were obvious with the space the best thing to do was to get them legal and work with them to produce the conditions they need to do to manage the space so that it didn't impact the neighborhood negatively.

Mr. Peter Romero resides in San Francisco He stated he was there to express his concerns. He added in addition of what was heard he added as a resident in the neighborhood the venue has disrupted the neighborhood. He added that they were trying to create more of a neighborhood environment. He requested that if the commission granted the permit to put some serious restrictions on the applicant based on what he's seen in the last year the applicant could not be trusted.

Mr. Sean Yaganedoost resides in San Francisco and lives in the neighborhood he stated that one Saturday night he came home looking for parking due to the venue the street was full of parking. He added that his image of the neighbor was gone.

Mr. Paul Svedersky resides a block from the venue. He wrote to the zoning administrator stating that the Capella center had operated in the last two years without proper permits into the severe detriment of the neighborhood. He added they have not been good neighbors as residents they wanted to voice their strong opposition and objected to granting them more leeway in the activities that are harmful to the health and safe peace of the neighborhood. He added that Capella presented them in an image of a non-profit trying to help art groups and dance companies. He added they had witness first hand parties and the spill over created traffic tie up's. He added that they held meetings with them the San Francisco Mission Police and with the City Attorneys office but they have chosen to continue to have the illegal events. He added that the commission's decision was an important one for the neighbors and urged the commission to look very carefully and scrutinize every aspect of their application and to consider the neighbor in their decision.

Officer Granados stated that he had a very large investigation package in regards to the complaint's he had been receiving against Capella. He added they were sited at the location for selling alcohol without a liquor license. He added that he had numerous meetings with the owner informing them they don't have a permit to start yet they were still having events. He added it was the police departments concern for responding to a location that was having events and they didn't have permits. He added the complaints had continued and citations had been issued.

Chair Alan asked when was the last complaint date for Capella.

Officer Granados stated he would follow up.

Commissioner Lorin stated that he thought the office's statement along with the some of the other witnesses couldn't see anything but to continue the item with the issues at hand.

Public Comment closed.

Commissioner Lorin motioned to continue to the call of the Chair Commissioner Shlain seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph,

Commissioner Pred,

NOES - None

ABSENT- Commissioner Leong

Commissioner Meko stated that he was very familiar with the neighborhood and irregardless of what Mission Anti-Displacement Coalition (M.A.C.) or some of the other organizations in the Mission proper had to say. He added that it was a very fragile neighborhood and commended the neighbors for standing up for their neighborhood. He added he would entertain a motion to deny the permit.

Commissioner Joseph stated were they going to go for a liquor license. She added that Mr. Lee stated he had some parties there and did he charge for the use of his space for private parties.

Mr. Whittaker stated right now they would not go for the liquor license but would once they were permitted they would. He added that he would ask the applicant. He added there was no doubt that there was parties going on there since 1998 and no one was denying that. He added they received noise and late complaints from the neighborhood. He added they were right and they called a meeting and got together with the Minna Association and the city attorney and Officer Granados and from the meeting they decided if they followed the rules they could get the permit.

Commissioner Joseph stated she was a total advocate for entertainment use and she believed the right kind of entertainment enhanced a neighborhood. She added in going over their paper work and seeing statements were the applicant claimed they didn't know they needed to have a permit and didn't know they were doing anything illegal didn't set well with her. She added after being closed down by the police a number of times coupled with continuous complaints they promised not to continue to throw parties but did.

Eric Whittaker Attorney stated that if the neighbors could trust the owner he believed the neighbors would back them. He added that it was an opportunity to for the applicant to put up or shut up.

Commissioner Meko stated if the motion continued to be passed it would not be noticed again.

Commissioner Lorin stated that comments made this evening would be considered at the next hearing.

Chair Alan stated it was clear from the testimony and the documents presented there was housekeeping and work that needed to be done with planning before it could be moved forward. He added that it gave the applicant tremendous opportunity for either failure or success for the applicant to become a good neighbor.

Bob Davis stated staff would like to work with the applicant without doing any more events until they were in order.

c. Valente, Lynn, dba "Market Street Association," Downtown concert series at various locations July-Sept 2004, Loudspeaker Permit.

Ms. Lynn Valente is the Associate Director for the Market. Street Association. She added that this summer she would be producing between 140 and 150 small concerts in down town San Francisco. She added they were open plaza and free to the public and was a non-profit association venture. She added she was present to get loudspeaker permits. She added that in the last seven years that she had been producing the event the police had came once for a sound issue. She added they had a good reputation with Southern and Tenderloin station. She

added it was one of the best ways to improve outdoor spaces downtown with live music. She added she would like to figure out a way to have the cost and procedure less complicated for them to produce the many events.

Commissioner Lorin asked if the applicant got any revenue from producing the events.

Ms. Lynn stated that she did not. She added it was a non-profit and there was no ticket price.

Bob Davis stated that in the past they made other forms of accommodations similar to it and thought that since it was so large it should be brought to the commission. He added tried to bundle them. He added that each location's might require some form response from the police department.

Ms. Lynn stated that there were three to five musicians and would use a very small sound system and would be playing from 12:00 to 1:00 PM.

Commissioner Lorin stated that San Francisco was known for these types of events and what ever they could do they should do, but do it on an indidvial basis and determine not in denial or approval but determine the good for the city. He added that it was a good event.

Commissioner Meko stated that accommodations recently had been made for the Bay to Breakers for the Gay Pride Parade and for numerous enormous events. He added that this little series of wonderful events would have to pay $6,664.00 for permits for free entertainment in San Francisco. He added that he would support staff's accommodations for $400.00.

Public Comment

Mark Rennie stated cost recovery; he added he would like to say two words "cost recovery." He added that if you were doing something to make San Francisco more alive and vibrant and more alive and a nice place for tourist they had to look at cost recovery. He added that if they charged more it would kill

this particular project.

Public Comment closed.

Commissioner Pred move to approve Commissioner Joseph seconded the motion.

VOTE:

AYES - ***Commissioner Alan, Commissioner Meko, Commissioner Lorin, and Commissioner Joseph***

Commissioner Pred and Commissioner Shlain

NOES - ***None***

ABSENT- ***Commissioner Leong***

d. Jacobson, Deborah, dba "Kelly's Mission Rock," 817 Terry Francois Blvd., Friday May 7, 2004, 10PM - 4AM, Loudspeaker Permit (Commercial).

Ms. Deborah Jacobson resides in San Fransicsco. She added they were an outdoor venue. She added they had always abided by the laws of getting sound permits and had gotten them in the past. She added that taking away their sound permits would be to essentially taking away their business. She added sound wall that was built that eliminated previous sound complaints. She added that they had a sound technician on had to monitor the sound every hour.

Commissioner Lorin stated when was the last when was the last time staff permitted a loudspeaker permit for the establishment past 10:00 PM.

Jocelyn stated they issued permits in October 2003.

Commissioner Lorin asked were there any complaints or police action.

Jocelyn stated she attempted this afternoon to get an answer to his question but

was unable to. She added that she was hopeful that the permit officer station would be present to speak on that issue.

Commissioner Lorin stated since their last loudspeaker permit that went past 10:00 PM what had action had the applicant taken to prevent reoccurrence or to lesson the noise in the neighborhood.

Ms. Jacobson stated in good faith they had done many things. She added they had increased security and hired a street team and have a traffic plan in the works and are waiting on getting it approved. She added that they had tons of security out on the streets to eliminate any traffic and noise problems. She added the sound wall had eliminated the sound problems. She added that they made sure the windows and doors were closed at all times.

Commissioner Meko stated that there were negotiations going on and was the applicant aware of the issues with the city attorney's office.

Ms. Jacobson stated that she was aware.

Commissioner Meko asked was there a completed agreement.

Ms. Jacobson stated they were still in negotiation.

Bob Davis stated that he spoke to the city attorney and the document was currently in the hands of the neighbors. He added that after it was reviewed it would come back to the commission.

Commissioner Meko stated three weeks ago they were issued a citation for sound being heard because there was a window left open.

Ms. Jacobson stated they were cited and after the window was closed the police could not hear any further noise.

Commissioner Meko stated they were looking into putting speakers out doors and asked had they done test with the sound. He added could the applicant give them some assurance that the speakers on the deck were not going to be audible in the neighboring residences.

Ms. Jacobson stated that she had spoken with Jocelyn and thought of a way to position the speakers so that it's not a disturbing to the neighbors.

Commissioner Meko stated that they should not be able to hear the sound at 250 feet. He added had the applicant been employing 10b officers and how it was working.

Ms. Jacobson stated that she had not employed 10B officers.

Commissioner Meko stated that the applicant had been involved in voluntary efforts to try to mitigate some of the traffic and noise problem. He added how was it working.

Ms. Jacobson stated that she had and it was working out wonderfully.

Commissioner Meko stated that he was informed that they were three arrests last weekend.

Ms. Jacobson stated they were not patrons of Kelly's Mission's Rock and were not allowed in the venue.

Commissioner Meko stated that his concern was the sound that they were generating and its impact on the surrounding neighborhoods.

Commissioner Joseph asked was the DJ outside.

Ms. Jacobson stated they would like to have the DJ outside.

Commissioner Joseph asked what type of sound system the applicant was going to use.

Ms. Jacobson stated they would be using two Mackie speakers.

Commissioner Joseph asked were they self powered.

Mr. Billy Adams resides in San Francisco. He stated they were self-powered Mackie powered stands.

Commissioner Joseph stated was did he stand in relation of the residents.

Mr. Adams stated that the speakers were facing away from the residents.

Public Comment

Ms. Victoria Zackheim resides in San Francisco approximately 1000 ft. from Kelly's Mission Rock. She added which was significantly beyond the 250 ft. limit. She added that she had several situation were the police said they have left the scene because they were concerned for their safety. She added that there was loud noise and no police in sight. She added that the police to sight the people. She added that the police had better things to do then show up at Kelly's mission rock. She added that the sound would come back to haunt them. She added that there were a lot of laws that were being broken.

Commissioner Meko stated that Ms. Zackheim made a very serious statement regarding the noise he added were the police called.

Ms. Zackheim stated that she was not aware that she had to had proof.

Mr. David Ryder resides in 610 San Francisco. He requested the commission deny the loudspeaker permit. He added that residence was disturbed by loud music and people were verbally threatened. He added there were about 100 people that resided in the building. He added that the commission tightens up on their stipulations.

He added were they going to have their peace disturb every night and the patrons of Kelly's have had a long history of complaints. He added that they had a responsibility to the residents.

Commissioner Meko stated that he had spent a lot of time in the area and described the building of the applicant. He added what type of windows did the applicant have. He added the windows were not up to code for noise.

Commissioner Meko stated had the applicant had problems with The Ramp.

Mr. Ryder stated that he had no problems with The Ramp.

Commissioner Meko stated had he had complaints about the cement plant.

Mr. Ryders stated no he did not.

Commissioner Meko stated did Kelly's impact their property value.

Mr. Rdyers stated the disclosure said that people should research the area.

Mr. Ryder stated that he met with Sophia Maxwell and she said he had an urban community.

Commissioner Pred stated had they had a problem with snowdrift.

Mr. Ryder stated there was one complaint 6 months ago.

Mr. Ryder stated that he had no complaints since then.

Chair Alan stated that he spoke with the applicant that they had a conversation with the applicant. He added that he had told him to call if there were complaints to call him why didn't he call him.

Mr. Ryder stated that he recorded street activity. He added he would commit to call the Entertainemnt Commission. On problem

Officer George stated that the problems with Kelly's Mission Rock were complaints from the community and the police. She added that since then they had not received any memos or complaints from the officers working out there.

Officer George stated that she hadn't got the actual complaints from the officers.

Commissioner Lorin stated that a witness called the police and requested that they be sighted and they were not.

Officer George stated she would let the captain know about the citing.

Commissioner Lorin stated that when a citation was issued it was more evidence for the commission to evaluate.

Office George stated she would do research on the calls of service in the past.

Bob Davis stated that they had some present. He added that the noise complaints were from people's cars.

Mr. Sione Tangen resides in san Francisco is in support of the applicant. He added that he heard that the testimony that was heard today was exaggerated. He added that he felt like it was a personal indetta that involved a small group of people. He added that why would an applicant move into an area that had a nightclub present if they opposed to it. He added that the neighbors wouldn't be happy until it is shut down.

Commissioner Lorin stated that he said the events that he promoted had never had any problem.

Mr. Tangen stated at least 10.

Mr. Dick Millet stated that he was involved because of the emails he was getting. He added he had a problem with them having events without having permits and they also get an over capacity crowd. He added that the resident was changing to residential. He added that his biggest problem was the owners that were asking for permits that were previously planned.

A promoter that dealt with communities stated he promoted three clubs a month and they did not advertise outside. He added that they did advertise their club because they were operating as a venue whether it was indoor or outdoor. He added that the only thing that was advertised was there was a patio. He added the advertising did not say dancing. He added that it was hard to control someone driving by with his or her music and that was mostly the complaints. He stated they have added more police and security he added that it was hurting everyone's business but it was the precautions that they needed to make to keep the club open. He added if there were 160 resident that lived there it was only four or five complaints and it came mainly from the same people. He added the people had a problem with the urban crowd that Kelly's Mission Rock had chosen to do business with.

John Wood with SFLNC stated that obviously the venue was being watched very closely he was added if he was in their position he would not be applying for a loudspeaker permit until 4:00 AM but since they were chose to do so, they knew the consequences if it became a problem. He added they were being clearly monitored and why not give it to them if they were choosing to do it and they would have to live with the consequences if it became a problem. He added really what they didn't want was young people. He added that if they didn't young people any outlets they would be frustrated and it would result to violence and killings and much more serious things.

Mark Rennie stated he had concern about urban. He added that he was very concerned about urban ecology. He added if they get rid of all the entertainment venues they are going to have a lot of dominos fall and more violence from the kids and the reputation of a dead town that would cost everyone jobs.

Mr. Andre Robbins resides in San Mateo stated that he was there on behalf of Kelly's Mission Rock in support of the amplified due to the fact that they have had five events at Kelly's during the summer. He added though they were during the day and ended at 10:00 PM it was imperative they have it. He added that their events are widely recognized across the United States and they have brought in a lot of revenue to San Francisco in the form entertainment, travel, hotel and the event itself. He added that it was crucial that the outdoor be part of it.

Mr. Barry Tartanto resides in San Rafael. He stated that it was amazing to hear about Kelly's Mission Rock because there were not a lot of buildings around it. He added that they were building huge office buildings that were closed at night. He added that if they developers were going to put up these residential facilities near the industrial area they had to be caveats that there would be noise at all hours of the night because were they were moving. He added that there had to be some compromises. He added that there was very few areas were there is a mix and the club owners were moving to those areas so there is not a clash with the residential areas. He added that people needed to realize where they were moving. He added that Kelly's should inform the cab companies to let them know there were possible fares.

Mr. Cody Robertson resides in san Francisco stated he lived three blocks away from Kelly's and had never been disturbed by the music from the venue. He added that he spoke with neighbors who agreed. He added it was one of the places were you could be outside and hear music. He added that he hoped the commission would grant them their permit.

Mr. Robert Cabrera resides in San Francisco. He added it seemed to be personal vendetta. He added during the past year that he had been promoting there off and on or hosting parties he had not encountered incidents were neighbors had complained. He added that the music would hit the city tow area. He added that he would greatly appreciate if mission rock gets the permit granted.

Public Comment closed.

Commissioner Lorin asked Ms. Jacobson

what was the occupancy inside and outside Kelly's Mission Rock.

Ms. Jacobson stated 663, which included indoor and outdoor.

Bob Davis stated the occupancy was for all areas of useable space. He added there was not a separate occupancy for the patio.

Commissioner Lorin stated when they were having a venue there and they didn't have outside speakers did they have 663 people indoors. He added that the majority of the people would be inside.

Ms. Jacobson replied yes.

Commissioner Lorin added if she had the outside loud speaker permit and she had speakers going outside there would be more people outside than normal whether permitting.

Ms. Jacobson stated that was correct.

Commissioner Lorin stated there had been a compromise suggesting instead of going until 4:00 AM either go to mind night or 2:00 AM with the outside speakers. He added what would she do with the exodus of people if there were a couple hundred people outside listening to music and at midnight it got turned off could the indoors absorb those people.

Ms. Jacobson stated that around that time around 200 people would leave once the drinking had stopped. She added that as the night progressed people left and the club got less crowded and she didn't see it being an issue.

Commissioner Lorin stated what if the music stopped at mid night.

Ms. Jacobson stated if it stopped at midnight it could be a problem. She added they couldn't accommodate as many people.

Commissioner Lorin stated could they handle the capacity of 663 people indoors if it rained.

Ms. Jacobson stated they could that was their legal capacity.

Commissioner Joseph stated that according to the applicant the speakers outside were self-powered Mackie's and were a DJ monitor so a DJ can hear what he was playing and were by no means concert speakers. She added Kelly's has been their for 40 years it's a M1 zoning a permitted use. She added that entertainment had a right in San Francisco as well as housing. was a right, and she was an advicate for urban in general. She added that entertainment made the city vibrant and useful. She added that she was an advocate for entertainment but also an advocate for the co-existence of the urban environment. She added she felt they could make a compromise to grant the permit to 2:00 AM.

Commissioner Meko stated that last year Kelly's had a serious problem with three times as many people showing up than they were able to handle, but that was last year.

He added those permits were under the authority of the Port and the commission had no responsibility.

Commissioner Meko stated that two commissioners represented the industry; two represent the neighborhoods, public health, law enforcement urban planning were also represented. He added that he hoped anyone coming before the commission felt their inertest were being cared for. He added that he tried to talk to both sides about the fundamental idea that you have to acknowledge the other's right to exist. He read from some of the resident's letters of complaint. He added that one supported Kelly's and one resprensting the neighbors and they had a responsibility to fairness and those who chose to live in the community. He added the neighbors were not out to shut down Kelly's. He added there were problems thinking problems involved. He added that on the other hand Kelly's was trying very hard and voluntarily shut down for a month to resolve some of

their problems.

Commissioner Lorin stated according to section 47.2 the municipal police code a regulation for sound amplified and equipment. Hours of operation permitted shall be between 9:00 AM and 10:00 PM. He added hours of operation after 10:00 PM is permitted only at the location of a public event or a fair of general public interest or otherwise permitted by the Entertainment Commission. He added that it had to be special for the commission to grant anything after 10:00 PM. He added that Kelly's Mission Rock was having trouble controlling their eternal speakers and the noise from the neighbors. He added if the commission gave them the outside speakers they would not be able to control the noise from outside. He added that they should be given a chance to work on the issue with the speakers inside.

Commissioner Pred suggested a friendly amendment given the sensitive nature of the situation and recognizing that speakers other than self powered Mackie's might contribute significantly to the noise issue to have friendly amendment specifying that the speakers would night exceed the one's described by the applicant as a gesture of good faith to the neighborhood.

Commissioner Meko stated that this was for one night and a case for them to clean up their act.

Commissioner Shlain stated that staff recommends that they approve it to a 12:00 AM Permit.

Bob Davis stated that given the concerns that came about, that Kelly's were trying to work out their problems. He added that 12 mid night would be a first step to monitor the first event. He added they would see were it would go.

Commissioner Shlain stated that there was a lot of logic in the idea of 12 mid night.

Commissioner Joseph stated she would accept the friendly amendment.

Commissioner Meko stated what the Entertainemnt Commission was trying to do is to see if they could make it work. He supports friendly amendment.

Chair Alan stated that he request both sides of discussion this issue honor their commitments to follow through or you leave the commission with a very blind vision to act.

Commissioner Joseph moved to approve the friendly amendment

Commission Meko seconded the motion

VOTE:

*AYES - **Commissioner Meko, Commissioner Joseph, Commissioner Pred, Commissioner Shlain,** Commissioner Alan*

*NOES - **Commissioner Lorin***

*ABSENT- **Commissioner Leong***

Recess: 7:48 P.M.

Reconvened: 8:05 P.M.

e. Corkey, Patrick, dba "Charlie's Club," 309 Cortland Avenue, Place of Entertainment.

Chair Alan stated Charlie's Club was continued to the call of the chair and staffed reported all the necessary approvals had been received and now they were returning to the commission.

Mark Rennie stated that Mr. and Ms. Corkery were present but requested to remain seated. He added that he would request that the commission approve the Place of Entertainment Permit not just for the front room but both the front and back room. He added that they have their approval from city planning and all the other agencies had signed off. He added they had two separate sound checks done and they have been approved.

Commissioner Meko stated that one reason it was continued for six months was because there here were history of the club using a DJ. He added since then had they used a DJ.

Mark Rennie stated they had not used a DJ since then.

Commissioner Meko asked had there been any complaints about DJ activity in the last six months.

Staff replied there had not been any complaints.

Commissioner Shlain stated that he was in North Beach and spoke to someone who has lived near the venue for 20 years and added that what Charlie's has done to the venue brought a nice change to the neighborhood. He added that for him it was an endorsement to see that that have turned the place around.

Public Comment

No public comment.

Commissioner Shlain moved to approve Commissioner Meko seconded the motion.

VOTE:

AYES - *Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Pred, Commissioner Shlain*

NOES - *None*

ABSENT- ***Commissioner*** *Leong*

ABSTAIN - *CommissionerAlan*

Chair Alan stated that he would not vote and he would abstain from voting because he took a public position at the planning commission hearing. He added that it was not a conflict to vote he did not want to make any appearance of anything but the ultimate objectivity.

COMMISSIONER COMMENTS AND QUESTIONS

Commissioner Shlain stated what the Commission saw at the meeting with Kelly's was one of the big issues the commission would face in the future. He added he liked the way the commission asked the right questions and the true matters of the case.

Commissioner Lorin stated that when it came to loudspeaker permits, POE and extended hours permits. He added Tom Steel, an attorney who represented club owners, wrote the laws. The police department allowed him to right the law and the board of supervisors passed it. He added

In all of three of the laws he use to dictate to the chief of police "You shall issue this permit unless A, B, or D." He added in most cases they had to issue the permits but could put stipulations on it.

Commissioner Lorin stated the problem with the theatres he added that he would like to ask staff to research the theatres and what makes them exempt and another place. He added did City Hall have permits.

Bob Davis stated that Virginia did not know but she would find out. He added City Hall did not have permits.

Commissioner Lorin stated they should and tell them it was required.

Chair Alan stated the law had been interpreted to different classes of entertainment in different ways. He added it was one of his personal goals through the mission of creating the entertainment commission and trying to bring transparency and equality to the application of the law that it be eliminated. He added that he supported the investigation and would work with

staff.

Chair Alan stated how was the incident report with Kelly's was working.

Bob Davis stated that staff was made aware of the incident. He added that the police asked the people to disperse.

Chair Alan asked had they received any updates on the temporary occupancy process.

Bob Davis stated that it was being looked into.

Chair Alan clarified his request to be removed from the vote on Charlie's Club. He added it was clear that his position could be interpreted by people as confusing. He on one hand he sat as chairman of the SFLNC and he was asked in that capacity as an industry representative now to sit on the Entertainment Commission. He was never asked to take the first hat off. He added that he was asked to make sure he kept his roles clear.

Commissioner Pred stated on addressing the issue of urban being a cloaked racial statement on future restrictions he thought it would some merit. He added instead of striking it out they should work with the police or suggesting verbiage that serves the ends they were trying to achieve that didn't make any reference to any social group. He added that there was new information that affected the Entertainment Commission. He added there were two new pieces of legislation that haven't passed yet but may. He added one was called the "Ecstasy Awareness Act" and the "Clean Up Act."

He added that he was doing research on training for Automatic Defibrillators and what venues may be served.

Commissioner Joseph stated she would like to propose the Executive Committee consider the commission sponsoring interns and round table discussions and tutorials on the business.

DIRECTORS REPORT

The Director reported the following:

- Bob Davis stated no additional news on office space. He added that he had asked one commissioner to help in that area.

- Bob Davis stated on hiring that they would hope to have someone hired by July 1, 2004.

- Bob Davis stated that the budget was still in tact he and commissioner Shlain meet with them Shaun to determine how it is needed.

- Bob Davis stated that he is working with Sophia Maxwell with bundling permits "Sherrod's Law". He added they are working on a format.

- Bob Davis stated the count for permits issued from July 1, 2003 were 261 one time event permits.

- Bob Davis stated that new business that he had contacted muni trying to move that forward.

- Bob Davis stated that commissioner bios were requested.

Commissioner Joseph stated that she went to an event was people were concern about prevailing wage. She added that it was an intense issue affecting the entrepreneurial backbone of San Fransicsco. She added that the commissioners should support it.

Chair Alan stated that Ammiano agreed to hold an impact hearing and he would be in touch on how they would proceed. He added that if needed Ammiano would introduce companion legislation to mitigate in what they knew in reading the legislation what would be in the impacts.

9. REPORT FROM THE EVENTS COMMITTEE

Chair Alan stated that they would be meeting tomorrow and would follow up with comments at the next meeting.

- **REPORT FROM EXECUTIVECOMMITTEE**

Commissioner Shlain stated the By Laws were done. He added that the Statement of Incompatible Activities was due in August. He added that he and Bob Davis meet with the Mayor's liaison and said it was a good way to keep in sync with city hall in terms of getting things done. He added that Jocelyn was working well on moving along with E-Government solution and should have a Loud Speaker Permit application on-line in the near future. He added that if any of the commissioners had any input to email the Commission Secretary.

Commissioner Joseph asked about putting news on the website and what was appropriate and what was not.

Commissioner Shlain stated that they would come up with some recommendation to the full commission.

11. DISCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT

Nothing to report.

12. ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at 8:55 PM

Respectfully submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

DOCUMENTS DEPT.

MAY 1 4 2004

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Notice and Agenda for Meeting
Tuesday, May 18, 2004 at 5:00 p.m.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of April 20, 2004 and May 4, 2004. **[Action Item]**

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission **[Action Item]**

   a. **Grove, Steven L, dba "The Green Room Comedy Club," 2801 Leavenworth St., Place of Entertainment.**

   b. **Lee, Isaac, dba "Zebra Lounge." 447 Broadway, Place of Entertainment.**

   c. **Chu, Ben, dba "Roe Restaurant," 651 Howard Street, Place of Entertainment/Extended Hours Premises.**

   d. **Broustein, Greg, dba "Lime," 2247 Market Street, Place of Entertainment**

   e. **Wagenhofer, Joe, dba "SFLGBTPCC -- S.F. Pride," Saturday and Sunday June 25 & 26, 2004, Loudspeaker Permits.**

   f. **Robins, Joan, dba "The Ramp," 855 Terry Francois St., Friday and Saturday Summer 2004, Loudspeaker Permit.**

   g. **Chanchola, Rigoberto, dba "Chanchola's Bar" 3775 Mission St., Billiard Parlor.**

5. Commissioner Comments and Questions.

6. Executive Director's Report (Bob Davis, Executive Director)

7. Report from Events Committee (Joseph Pred, Chair)

8. Report of Executive Committee (Jordan Shlain, Chair)

9. Discussion of agenda items for future Entertainment Commission Meetings [Action Item]

10. Adjournment

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room *406* is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
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City Hall, Room 409
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San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

May 18, 2004

MINUTES OF THE

May 18, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Jim Meko

Jordan Shlain

Joseph Pred

Bruce Lorin

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane, Staff

CALL TO ORDER

The Commission Chair called the meeting to order at 5:15

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Joseph Pred, Bruce Lorin

Absent from the meeting were Commissioner Leong.

Late for the meeting were

Commissioner Shlain arrival time 6:05 PM.

Staff present were Robert Davis and Jocelyn Kane.

PUBLIC COMMENT

Mr. Robert O'Malley introduced himself as the department of defense appointed trade representative to the European Union. He added that he was present to introduce himself as the national director U.S. represented of the Love Parade. He added that the Love Parade had been finalized.

Barry Taranto resides in San Rafael. He added he was still concerned about the ramifications police tactics in North Beach that was creating a problem for taxicabs to get to North Beach. He added they did not want the taxicabs to service the people on Broadway. He added that it was important for the Commission to look at the permits for the businesses in that area if they were not providing proper security. He added when there were major events involving a club the businesses needed to provide a place for the taxicabs to pick up and drop off patrons. He added in some cases they did not make it easy for the taxicabs.

Commissioner Lorin asked when the police closed the Broadway area to vehicle traffic were they making any provision for the cabs and was there a alternate pick up spot.

Mr. Taranto said they did not make any provisions. He added they put a police vehicle and flares blocking the two lanes going eastbound and the expected the taxicabs to go around or over the hill to take patrons to North Beach.

Chair Alan asked had he made contact with Captain Taccini to discuss his concerns.

Mr. Taranto stated he had discussed the issue with his superior Commander Puchinelli who stated it was the only way to handle the situation. He added that the Captain and him were having legal problems due to his relationship to the cab industry.

Chair Alan stated it was his understanding a meeting with North Beach team they would allow for the free flow of taxicabs for people to exit in a safe manner.

Bob Davis stated there were a sufficient number of taxicabs coming from the downtown area and they still felt that it was not impacting the closing of the

tunnel. He added there was going to be another meeting to discuss it.

The Chair called for comments from the public on items not appearing on the Agenda.

Public Comment

No Public Comment

REVIEW AND APPROVAL OF MINUTES

Commissioner Meko moved to adopt the Minutes of the April 20, 2004 Regular Meeting of the Entertainment Commission.

Public Comment

No public comment.

Commission; Commissioner Lorin seconded the motion.

VOTE:

AYES – ***Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Pred, Commissioner Lorin Commissioner Joseph,***

NOES - ***None***

ABSENT- ***Commissioner Leong***

Hearing and Possible Action Regarding Applications for Permits under the Jurisdiction of the Entertainment Commission

a. Grove, Steven L, dba "The Green Room Comedy Club," 2801 Leavenworth St., Place of Entertainment.

Mr. Grove resides in Sacramento. He stated after five years of being in the entertainment and comedy business in Sacramento his experience in opening a club in San Francisco had been by in large been a very good one. He added the city was wonderful to work with as opposed to other cities in which he had done business. He added it was a pleasure to be a part of the city and the business climate that it provided for the entertainment venues.

Chair Alan asked the applicant his years

of employment at The Green Room.

Mr. Grove stated that he worked at

Green Room Entertainment for five years.

Chair Alan asked the expected age of the cliental, which the applicant stated, would be 18 to 118.

Mr. Grove stated he had a type 47 liquor license and provided food and a full bar. He added they wanted to cut it off at 18 because it was a comedy club and some material was inappropriate unless a parent accompanied the minor.

Chair Alan asked the applicant if he had any further parking agreements.

Mr. Grove stated he had an agreement that needed to be signed.

Commissioner Joseph asked was Green Room Entertainment responsible for the business. She added

Mr. Grove stated it was.

Chair Alan asked what were the remaining approvals.

Jocelyn stated Fire, Health Noise testing and building.

Public comment

No public comment.

Commissioner Leong moved to conditionally approve pending the outstanding approvals permit Commissioner Lorin seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Pred, Commissioner Lorin Commissioner Joseph,

NOES - None

ABSENT- Commissioner Leong

b. **Lee, Isaac, dba "Zebra Lounge,"**

447 Broadway, Place of Entertainment.

Mr. Isaac Lee resides in Burlingame.

Chair Alan asked was the applicant aware if any police permits ever been granted.

Mr. Lee stated he was not aware if permits were granted.

Chair Alan stated on expected sound levels on the applicant's application he indicated he would have amps and speakers and no sound testing had been done. He added were there residential units above the commercial occupancy.

Mr. Grove stated there was on the front half and there was none on the back half of the venue and he would have the music.

Chair Alan stated that one of the primary things that came before the commission after a permit was granted was concerns about noise. He added the commission to a careful approach towards sound containment. He added that with the sound equipment the applicant would generate noise complaints. He stated they would like to educate the applicant to avoid the police coming out to his venue.

Chair Alan asked the applicant when was street parking available on Broadway between Kearny and Montgomery.

Mr. Lee stated there was some street parking and there were two parking lots near the venue. He added he would look into getting valet parking.

Commissioner Leong asked what was the capacity of the parking lots were.

Mr. Lee stated the one next to his venue was 80 to 100. He added the one across the street had about 40 spaces.

Commissioner Meko stated he wanted to reemphasize the point Chair Alan's made regarding the volume of music particularly with live bands. He added the standard the applicant would be held to was his sound was not to be audible in surrounding residents. He asked was the applicant familiar with the conditions that the police department recommended.

Mr. Lee stated he was not.

Jocelyn stated central station did not send the recommendations in advance to get copies to the commissioners. She added she would make copies and normally central station would review the recommendations with the applicant.

Public Comment

Mr. Benjamin Vanderford resides in San Francisco. He stated he was sad of the passing of the establishment that was previously at the property which was one of the better video arcades in the city. He added the city was losing arcades, which were one of the only options for 18 and under entertainment in the area.

Public comment closed.

Jocelyn stated she spoke with officer Crisp about number 10 on the conditions was routinely stricken by the Commission and he had no objections the restriction.

Commissioner Lorin stated number 4, 8 and 9 referred to the sidewalk out front. He added number 4 of the conditions stated no loitering of club employees of patrons outside. He added because of the smoking ordinance there was no choice but to loiter outside. He added 8 & 9 was to keep people orderly outside. He asked the applicant to commit if there was activity outside that security be position outside to handle any disorderly conduct.

Commissioner Joseph stated she agreed with Commissioner Lorin rather than having a commitment from the applicant, she added she would like to rework the no loitering should no longer apply because of the smoking. She added no. 4 should be struck or the wording should be changed to reflect the year 2004 with regard to smoking and security at the door.

Chair Alan asked what thoughts and plans the applicant made for the two issues that including patrons that went outside to smoke and patrons that may form a line to come into the venue.

Mr. Lee stated he would create a smoking area outside and he would control the crowd by having them forming a line against the wall to not block the sidewalk. He added that he would try to create a smoking area inside the club.

Chair Alan encouraged the applicant to take care of the smoking area immediately.

He added it would maintain order and the applicant would have fewer conflicts with the police. He added that the applicant should include it into his design.

Commissioner Meko stated he'd like to make a proposal to strike No. 4 and No. 9 and modified No.8 to read "*The operator shall take all reasonable measures to insure the side walks adjacent to the premises are not blocked or unnecessarily affected by patrons* or *employees due to the operations of the premises and shall provide security whenever patrons gather outdoors.* He added in addition to the final condition the applicant should have a cell phone number be provided to all neighbors that will be answered at all times.

Chair Alan asked if applicant agreed to the conditions.

Mr. Lee stated he agreed to the conditions and amendments.

Commissioner Meko moved to approve with the amendments to the conditions Commissioner Joseph seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Pred, Commissioner Lorin Commissioner Joseph, and

NOES - None

ABSENT- Commissioner Leong

c. Chu, Ben, dba "Roe Restaurant," 651 Howard Street, Place of Entertainment/Extended Hours Premises.

Mr. Ben Chu resides in Alameda.

Chair Alan asked how many people the Fire Marshall would allow in his venue.

Mr. Chu stated that he meet with the fire dept. he added they have him a conditional use permit. He added they were working on a number for occupancy.

Commissioner Joseph asked the applicant would the dancing be in the lounge while people were eating.

Mr. Lee stated they had three separate levels the top floor would be used for lounge and possible dancing. He added the ground floor would be mainly for dining.

Commissioner Joseph asked the applicant had he looked at the police restrictions. She added he would like to bring his attention to No. 1 *Premises restricted to persons 21 and older after 8:00PM whenever entertainment or dancing was provided.* She asked if the applicant served food. She added did the applicant have a liquor license. She added she was against the police restricting people to the age of 21 after 8:00 PM if there was going to be any kind of entertainment since they served food.

Mr. Chu stated he had not looked at the police restrictions. He added that he would be serving food until 4:00 AM and he did have a type 47 liquor license.

Commissioner Meko asked if any other representative from the police department had any views regarding the restriction on persons 21 or younger.

Chair Alan asked Captain O'Neil why Southern Station had restrictions of the premises.

Officer O'Neil stated he regretted he had no factual information or prior knowledge of the conditions or a discussion with the permit officer or acting Captain. He added he would be happy to look into them and get back to the Commission.

Commissioner Lorin stated he had the opportunity to tour the premises with the applicant and he added it was going to be an upscale establishment. He added he agreed with Commissioner Joseph agreed to scratch out No. 1 on the conditions.

Chair Alan asked if the applicant read and agreed with the conditions.

Mr. Lee stated he agreed with conditions and the restriction of No.1.

Commissioner Leong asked how late the applicant would be staying open. He added why Officer Meyer's placed restrictions on No. 1.

Mr. Lee stated he would be staying open until 4:00 AM. He added he did not know why the Officer placed the restriction.

Public Comment

John Wood SFLNC resides in San Francisco. He stated he commended the commissioners for sticking condition No. 1. He added that Southern Station had required every POE permit going back to four or five years to sign away their ability to do 18 and over events in order to be approved for an entertainment permit. He added the law in San Francisco was 18 and over events were allowed to exist.

Dr. Winkie stated that he would like to share light on his experience with the permit process. He added he was opening two restaurants and food court at their location. He added made apparent that the issue 21 and under clubs were something they did not want to see encouraged or happen at all.

Commissioner Shlain arrived at 6:05 PM.

Public Comment closed.

Commissioner Lorin moved to conditionally approve omitting No. 1 of the conditions Commissioner Leong seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Pred, Commissioner Lorin Commissioner Joseph, and

NOES - None

ABSENT- Commissioner Leong

Commissioner Joseph asked when the commission struck a stipulation did staff notified the permit officer if items were stricken so they would not violate the permit holder for violating the restricted condition.

Bob Davis stated the notice was sent back and they were aware.

c. **Bronstein, Greg, dba "Lime," 2247 Market Street, Place of Entertainment**

Mr. Greg Bronstein resides in San Francisco. He added that he focused on the DJ music but in addition he would like to have Sunday brunch possible with entertainers. He added he had overwhelming support from the both of the local merchants and neighborhood organizations.

Chair Alan asked was there an occupied residential unit above the venue.

Mr. Bronstein stated there was not a residential unit above the venue.

Commissioner Joseph asked if the applicant saw the condition.

Mr. Bronstien stated he had and meet with Officer Toma and signed them.

Commissioner Joseph asked was there any place outside the premises for patrons to smoke.

Mr. Bronstein stated there was not.

Commissioner Joseph suggested that the applicant provide community people and neighbors in the surrounding area a cell phone number for complaints during hours of operation.

Mr. Bronstein stated that they had a cell phone with the existing business and they would do it for Lime during business hours.

Commissioner Joseph asked did the applicant have a type 47 license and if he served food and how late they would serve it. She asked where was the applicant's bar located in relation to his eating area.

Mr. Bronstein stated he had a type 47 license and they would serve food until Mid Night to 1:00 AM. He added the only place separate was a small area with about sixteen seats that would be a lounge area and it was all intermingled.

Commissioner Joseph stated she would move that they strike J completely and strike B & D and insert instead Commissioner Meko's former suggested language. (*See page 4 of the minutes for Commissioner Meko's language*).

Commissioner Joseph asked if the applicant would have a vocalist and would they be performing with a full band or a piano.

Mr. Bronstein stated it would not be a full band, maybe one or two instrument or with a DJ or recorded music.

Commissioner Joseph asked if the applicant would have a vocalist or a full band on or a piano.

Mr. Bronstein stated it would not be a full band, maybe one or two instrument or with a DJ or recorded music.

Commissioner Meko stated that there were no conditions specifying the type of music he would play. He added that the applicant would have to go to a noise abatement check and he would be responsible to contain his noise so it was not audible in surrounding residents.

Chair Alan stated that he would like to amend the conditions form so that item F more accurately reflected the state of the law with replacing the police department with the Entertainment Commission.

Public Comment

John Wood stated he lived two blocks from the venue. He added that he was a class operator. He commended the commissioners for striking the 21 and over. He added it was an asset to the neighborhood.

Public Comment closed.

Commissioner Meko moved to approve with the amendments of the conditional approval from Joseph and Lorin Commissioner Joseph seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Pred, Commissioner Lorin Commissioner Joseph,

NOES - None

ABSENT- Commissioner Leong

e. Wagenhofer, Joe, dba "SFLGBTPCC – S.F. Pride," Saturday and Sunday June 25 & 26, 2004, Loudspeaker Permits.

Mr. Joe Wagenhofer resides in San Francisco.

Commissioner Joseph stated she would recuse herself from the item because she had a business relationship and an ongoing contract with the pride committee.

Chair Alan stated he would recuse himself because he was a co-producer of the event.

Mr. Wagenhofer stated that he would like to add a few items he was not able to put on the request. He added Teddy Witherington asked him to let the commission know that over the last 6 years Pride had generated close to 12 Million dollars in hotel tax revenue and almost 51 Million in sales tax revenue.

Mr. Wagenhofer stated that two of their venues would be on Park and Recreation. property. He added hat all sound permits should go through the entertainment commission rather than going back to the police department.

Bob Davis stated that the applicant still had to go to the police department because it was Park and Recreation.

Public Comment.

No Public comment.

Commissioner Lorin moved to approve Commissioner Meko seconded the motion.

VOTE:

AYES – ***Commissioner Meko, Commissioner Shlain, Commissioner Pred, Commissioner Lorin,***

NOES - ***None***

ABSENT- ***Commissioner Leong***

RCUSED - ***Commissioner Alan & Commissioner Joseph***

f. Robins, Joan, dba "The Ramp," 855 Terry Francois St., Friday and Saturday Summer 2004, Loudspeaker Permit.

Chair Alan stated that the ramp had outdoor events during good weather. He added that the applicant was requested to bundling the permits so it was not cost prohibitive.

Bob Davis stated they were not a non-profit because the sound ordinance was being redone it was determine the cost would be approximately $46,000.00 if they were to get a loud speaker permit for every time they wanted to have an event. He added they tried to use a formula of a once a month fee.

Commissioner Joseph asked who put on the out door events. She added were the events put on by The Ramp or was it a private event's where the space was rented.

Ms. Robins stated on Friday happy hour and Saturday afternoons and Sunday's afternoon The Ramp put the events on. She added they did not do events on Sunday evenings and Saturday they occasionally did outside events.

Commissioner Joseph suggested that if the had rented an event should on the loudspeaker permit should be passed off to the individual people putting on the event.

Commissioner Lorin agreed with Commissioner Joseph what The Ramp produced the commission would work with them. He added but if an individual event the promoter should come to the Commission.

Chair Alan explained to the applicant what the commission would propose to the applicant.

Ms. Robins asked would it apply not only to promoters but people who would have rehearsals dinner engagement parties

Chair Alan stated that if they were renting their facility and it was not an in-house produced event

Public Comment

No Public Comment

Commissioner Joseph moved to approve bundling the permits for The Ramp May 2004 to October 2004, for Friday, Saturday and Sunday outdoor events with the condition that "rented"

events would apply for a loud speaker permit at regular cost Commissioner Lorin seconded motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Pred, Commissioner Lorin Commissioner Joseph,

NOES - None

ABSENT- Commissioner Leong

g.Can chola, Rigoberto, dba "Canchola's Bar" 3775 Mission St., Billiard Parlor.

Commissioner Alan stated that staff recommended to continue the item due to the Planning Commission.

Bob Davis stated it was a new use that had not been approved by the Planning Commission. He added the premises had never been used in the applicant's intended use.

Public Comment

Steven Pitcher stated he resided within a block of the venue. He added that many of the people in the neighborhood were Hispanic and did not speak good English and those who did were hesitant to come out about the change their neighborhood. He added it was not clear on the posting from the property what

the applicant was going to do. He added that the neighborhood was a collection of small mom and pop operation's cake shops, daycare center, preschool and a grocery store. He added that if it were changed into a pool hall in would be a negative element on the neighborhood. He added that he would like to be notified for the next hearing.

Commissioner Jordan recommended that Mr. Pitcher bring people in the neighborhood to the next hearing.

Commissioner Leong stated that Mr. Pitcher might want to propose a petition and bring it with him at the next hearing.

Commissioner Lorin moved to continue to the call of the chair Commissioner Leong seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Pred, Commissioner Lorin Commissioner Joseph,

NOES - None

ABSENT- Commissioner Leong

COMMISSIONER COMMENTS AND QUESTIONS

Commissioner Joseph stated that when she was growing up her neighborhood had arcades that had pinball machines. She added that arcades were very interesting for kids. She wanted to know how many arcades were left in San Francisco. She added it would be another source of entertainment for youth.

Commissioner Meko stated that several months he brought up the issue of incident reports and mentioned that he had a friend who was a responsible neighborhood activist he added that the activist called and made complaints to

the police and no reports were filed.

Commissioner Meko added from that the intent was to help build a better relationship with the Entertainment Commission and police department. He added they that they were breaking new ground on how the permits are handled. He added that it should be a cooperative situation. He added his neighbor again reported that there were problems this weekend and he was able to file an incident report.

Commissioner Meko stated added on Saturday a resident called again and the police officer told him unless the noise was loud enough that he cannot hear his radio they could not do anything.

Commissioner Meko added another officer told the resident why didn't he move. He added that the Commission was having difficulty with getting the stipulations for new permits. He added it was not fair to the applicants when they did not know what stipulations had been recommended and it was not fair to the Commission.

Commissioner Meko asked the commission to adjourne the meeting in the memory of Alan Selby a well-known South of Market figure and the founder of Mr. S. Leather.

Commissioner Meko added that Thomas Gunn was a star in South of Market and he loved the South of Market. He added he was one of the greatest living poets and was one of the best-dressed leather man South of Market and one of the reason South of Market was a special place. He added that the meeting be adjourned in the memory of Alan Selby and Thomas Gunn.

Commissioner Pred encouraged the use of the consent calendar. He added that there were a lot of people out there that did not know what the Entertainment Commission did and where unclear on what the commission did. He added he was thinking of ways to billboard the commission possibly shirts and or logo could possibly be made.

Commissioner Lorin agreed with commissioner Meko's statements on Southern station had some problems. He added he would like to be involved in

the discussions.

Chair Alan stated they had an offer for Muni for advertising space and similar offers form Clear Channel.

Bob Davis stated they could not use city logo on jackets.

EXECUTIVE DIRECTOR'S REPORT

The Director reported the following:

- Bob Davis stated that he was finalizing details of office space.
- Bob Davis stated the Mayor's office was budget hearing was on May 25 & June 11th and were subject to change.
- Bob Davis stated that legislation for Sherrod's Law would have a hearing with the commission.
- Bob Davis stated that on Thursday he would be speaking to the Planning Commission on the functions of the Entertainment Committee.
- Bob Davis stated that MOU would go before the Port Commission.

REPORT FROM THE EVENTS COMMITTEE

Defer report to next meeting.

REPORT FROM EXECUTIVE COMMITTEE

Commissioner Jordan stated that the Executive committee was moving forward with things to make the commission run smooth. He added that they were working on Bob Davis review package to understand the review process for his job qualifications, which would involve the Entertainment Commission input. He added that they would be working on special hearings.

DISCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETINGS

No items to add.

ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at 7:30 P.M. In Memory of Alan Shelby Thomas Gunn.

Respectfully submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, June 1, 2004 at 5:00 p.m.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission but do not appear on the agenda for up to three minutes.

3. Review and approve minutes of Regular Entertainment Commission meeting of May 18, 2004. **[Action Item]**

4. Discussion and possible action regarding the creation of a legislative committee. **[Action Item]**

5. Discussion and possible action to create a unique Entertainment Commission logo and slogan. **[Action Item]**

6. Discussion and possible assignment to committee of protocol for dissemination of news about the entertainment industry. **[Action Item]**

7. Discussion and possible action regarding the creation of a legislative committee **[Action item]**

8. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission **[Action Item]**

   a) **Kim, Daniel & Yi, Jong K, dba. "Saga," 750 Harrison St., Place Entertainment.**

   b) **McCormack, Andrew, dba "Frisson," 224 Jackson, Place of Entertainment/Extended Hours.**

   c) **Oviedo, Leopold, dba "Taqueria Iguana Azul," 928 Geneva Ave. Mechanical Amusement Device.**

   d) **Sheehy, Brian, dba "Swig," 561 Geary Street, Place of Entertainment.**

e) **Smith, John, dba "The Marina Sports Bar and Grill," 2400 Lombard St., Place of Entertainment/Billiard Parlor.**

f) **Suverkrubble, Michael, dba, "The Dirty Martini," 3801 Leavenworth #J-32, Place of Entertainment.**

9. Commissioner Comments and Questions.

10. Report of Executive Director. (Bob Davis, Executive Director)

11. Report of Events Committee. (Joseph Pred, Chair)

12. Report of Executive Committee. (Jordan Shlain, Chair)

13. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

14. Adjournment

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City and County of San Francisco

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Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

AMENDED May 28, 2004

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5. Discussion and possible assignment to committee of protocol for dissemination of news about the entertainment industry. **[Action Item]**

6. Discussion and possible action regarding the creation of a legislative committee. **[Action item]**

7. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission **[Action Item]**

   a) **Kim, Daniel & Yi, Jong K, dba, "Saga," 750 Harrison St., Place Entertainment.**

   b) **McCormack, Andrew, dba "Frisson," 224 Jackson, Place of Entertainment/Extended Hours.**

   c) **Oviedo, Leopold, dba "Taqueria Iguana Azul," 928 Geneva Ave. Mechanical Amusement Device.**

   d) **Sheehy, Brian, dba "Swig," 561 Geary Street, Place of Entertainment.**

   e) **Smith, John, dba "The Marina Sports Bar and Grill," 2400 Lombard St., Place of Entertainment/Billiard Parlor.**

f) **Suverkrubble, Michael, dba, "The Dirty Martini," 3801 Leavenworth #J-32, Place of Entertainment.**

g) **Koeneke, Beth, dba "Aids Life Cycle" Opening Ceremonies, June 6, 6AM to 7AM, Nogesco Field at Parker and Turk**

8. Commissioner Comments and Questions.

9. Report of Executive Director (Bob Davis, Executive Director)

10. Report of Events Committee. (Joseph Pred, Chair)

11. Report of Executive Committee. (Jordan Shlain, Chair)

12. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

13. Adjournment

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax) (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

June 01, 2004

MINUTES OF THE

June 1, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Jim Meko

Jordan Shlain

Joseph Pred

Bowman Leong

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:13 PM.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Dr. Jordan Shlain, Joseph Pred.

Absent were, Commissioners Bruce Lorin.

Arrived late Commissioner Jordan Shlain

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

2. PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the agenda.

Public Comment

Robert O'Malley, resides in San Francisco stated the Love Parade was cancelled in Berlin indefinitely for 1 year because of legal misrepresentation. He added the damage and the delay of the Love Parade had lost 700 Million dollars in tourist revenue. He added they would advise the commission about the process for the 2005 Love Parade.

Mark Rennie stated he wanted to speak on avoiding entertainment riots and perhaps revenue enhancement. He added that the problem he had was half of his clients were they did not post their ABC license or their entertainment permits anywhere in a handy place. He added last weekend it nearly caused one large club to be shut down by three platoons of San Francisco Police department at 2:00 AM, which could have caused a riot. He added a solution for the future would be all permits issued by the Entertainment Commission should state that a copy of the entertainment permit and related permits should posted behind the main bar or the front door. He added failure to do so would result in a $250.00 fine. He added that they should educate the night- time SFPD that should not shut clubs down unless they are absolutely sure they don't have permits. He added it would be better to site them than to cause a riot.

John Wood with SFLNC stated that the Love Parade Berlin was cancelled this year it was not cancelled by Chancellor Shroder it was cancelled by the organizers because they because they could not come to an agreement with the city of Berlin as to cost. He added that it did not affect the plans for Love Parade San Francisco and currently the plan was for the event for October 2, 2004. He added that it would probably include a parade that would include 10-20 floats that would route to be determined somewhere South of Market. He added permits would be applied for in the next two to three weeks.

Barry Toranto, resides in San Francisco, He stated that he had a discussion with staff that when the commission approved the permits at certain types of venues they should make sure there was some type of pick up and drop of area that is keep clear most of the time to allow taxi's and others vehicles to pick up and drop off. He added that the police target the taxi drivers because they were easy to site and target.

Public Comment is closed.

3. REVIEW AND

APPROVAL OF MINUTES

Commissioner Meko stated there were some minor modifications on page 8.

Public Comment

No Public comment

Commissioner Leong moved to continue the item for approving the Minutes for May 18, 2004 and Regular Meeting of the Entertainment Commission; Commissioner Joseph seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Pred, Commissioner Joseph, Commissioner Leong

NOES - None

ABSENT- Commissioner Lorin & Commissioner Shlain,

4. Discussion and Possible action to create a unique Entertainment Commission Logo and Slogan.

Chair Alan stated he agenized the item to make a formal position and delegate the process. He added they could not use the city seal they could create a community involvement process by which the community could give the commission design ideas and they could have a process to vote and adopt.

Commissioner Meko suggested that the Events Committee could agendize the item and brings it to the commission as a Committee report.

Public Comment

No public comment.

Commissioner Meko moved to approve that the Events Committee agendize

the item and bring it to the commission as a Committee report Commissioner Leong seconded the Motion.

VOTE:

AYES - Commissioner Meko, Commissioner Leong Commissioner Josesph,

Commissioner Pred Commissioner Alan,

NOES - None

ABSENT - Commissioner Lorin & Commissioner Shlain

5. Discussion and possible assignment to committee of protocol for dissemination of news about the Entertainment Industry.

Chair Alan stated he was officially putting it on the calendar. He added that there was an on-going process by which the commission hoped to use the website as a vehicle for providing information to the general public.

Public Comment

No public comment.

Commissioner Joseph moved to approve

The possible assignment to the Executive Committee of protocol for dissemination of news about the Entertainment Industry Commissioner Leong seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Leong Commissioner Josesph, Commissioner Pred Commissioner Alan

NOES - None

ABSENT - Commissioner Lorin & Commissioner Shlain

6. Discussion abs possible action regarding the creation of the Legislative Committee.

Chair Alan stated there were a number of pieces of legislation and there would be continually a number of pieces working there way through City Hall. He added that he was bringing forth a recommendation to create such a committee.

Commissioner Joseph stated it was a brilliant idea but wanted the committee to consist of members of the commission and members that were not.

Bob Davis stated he would have to check with the city attorney to determine how they would do it.

Commissioner Meko stated that the item had its roots in the Executive Committee.

Public Comment

No public comment.

Commissioner Meko moved to approve the Executive Committee to form a Legislative Committee Commissioner Joseph seconded the motion.

VOTE:

AYES - AYES- Commissioner Meko, Commissioner Leong Commissioner Josesph, Commissioner Pred Commissioner Alan

NOES - None

ABSENT - Commissioner Lorin & Commissioner Shlain

7. Hearing and Possible Action

Regarding Applications for Permits under the Jurisdiction of the Entertainment Commission

- **a)Kim, Daniel & Yi, Jong K, dba, "Saga," 750 Harrison St., Place Entertainment.**

Mr. Jong Yi resides California and Mr. Daniel Kim resides in Castro Valley.

Mr. Kim stated they would maintain the same business.

Chair Alan asked how long would applicants serve dinner.

Mr. Kim stated they would have dinner until 2:00 AM.

Commissioner Joseph asked was the applicant's occupancy 200. Mr. Kim stated he believed it was 266.

Commissioner Meko asked was the applicant seeking an ABC license or if the applicant had one already. He added was the applicant aware that Southern station has recommended persons under 21 years of age are restricted to premises after 8:00 PM and if the applicant accepted the stipulation.

Mr. Kim Stated it was currently under transfer and they were seeking ownership. He added he was aware of the restrictions.

Commissioner Shlain stated that a lot of the of the recommendations that the police had made the applicant could question them in front of the commission and the applicant didn't have to accept the restrictions.

Mr. Kim thought 8:00 PM was a little early and he was not aware he could dispute the time and thought that's what they had to accept. He added if the commission could possibly make it a later time for 10:00 PM or 11:00 PM that would be acceptable and requested a later time.

Commissioner Joseph stated she agreed with Commissioner Shlain, she added that the applicant's establishment in the past had never been a family place that had always been a nightclub that served food. She asked the applicant did he intend to change how he operated.

Mr. Kim stated that they did not intend on changing anything.

Commissioner Joseph stated that if someone had a type 47 license they either let them have 18 and over or they don't.

Chair Alan stated that the commission was trying to get a since from the applicants of what kind of business they would be operating so the commission could help craft the permit that would allow the applicants the greatest flexibility and minimize any negative impacts that operating their business might have. He added what were the applicant's intentions in regards to the evening hours.

Mr. Yi stated that the confusing was they would be running the venue at its current state more so a night club and had plans to potentially to cater more to company banquets, special events wedding banquets as well as working during the week days through lunch and dinner and utilizing the space and would like to have an option. He added that's why they couldn't give a set time and what they were comfortable with.

Chair Alan stated the commissioner would not want to set them up for some type of failure.

Commissioner Meko stated that he would specifically recommend changing it from 8:00 PM until 10:00 PM. He added would the applicant agree to the time change. He added that in addition to the Good Neighbor Policy the commission was developing their own additional take on The Good Neighbor Policy. He added so far there were three additional stipulations the commission was putting on permits. He recommended the following stipulation. *The operator shall take all reasonable measures to insure the sidewalks adjacent to the premises are not blocked or unnecessarily affected by patrons or employees due to the operation of the premises and shall provide security whenever patrons gather out doors.* He added would the applicant have any problems with the stipulations.

Mr. Yi stated they would agree to the stipulations.

Commissioner Meko stated that the sound was not to be audible in surrounding residence.

He added that he knew residence in the area and had been receiving volumes of email from people who had things to say about a neighboring nightclub of the applicant. He added did the applicant have a problem with the sound stipulation.

Mr. Yi stated they would agree to the sound stipulation.

Commissioner Meko stated would they agree to provide a cell phone number to neighbors.

Mr. Yi agreed to have a cell phone available for the neighbors.

Commissioner Leong asked there is a manager on duty everyday? As case file shows manager on duty only Friday & Saturday.

Mr. Yi stated they would have a manger on site.

Commissioner Pred stated considering the broad range of entertainment the commissioner should strike 1 and 2 entirely from the restrictions.

Public Comment

John Wood with SFLNC he added there was policy issuing that continued to come up. He added that it was the law for venues to have 18 and over events in San Francisco. He added the Board of Supervisors voted 9 to 2 to allow 18 and over after hours events. He added that it would be unfortunate if the Entertainment Commission because of the recommendation were placed by Southern station.

Public Comment closed.

Commissioner Shlain arrived at 5:41 PM.

Commissioner Meko moved to approve Commissioner Leong seconded the motion with items 1 and 2 stricken and the additions of sidewalk smoking security not audible and the cell phones.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Pred, Commissioner Joseph, Commissioner Leong Commissioner Shlain

NOES - None

ABSENT- Commissioner Lorin

- **b)McCormack, Andrew, dba "Frisson," 244 Jackson St., Place of Entertainment/Extended Hours.**

Mr. Andrew McCormack and Mr. Patterson Executive Chef they resides in San Francisco he added they will operate the kitchen from 6:00 PM until 1:30 AM. He added they would like to operate the restaurant until 3:00 AM. He added they would stop taking orders from the kitchen and bar at 1:30 AM.

Commissioner Leong asked what were the results of the applicant meeting with the neighbors and businesses.

Mr. McCormack stated that the major concern for them was the Golden Gateway apartment complex. He added they had concerns in the past with other restaurants in the neighborhood with smoke drifting over which was caused by a wood burning stove. He added they meet with the neighbors and had a town hall meeting and they addressed their concerns and he had not heard back from them since the meeting.

Commissioner Alan asked staff have they received any comments from the public.

Staff replied they had not

Commissioner Meko asked if the applicant had any problems with the three stipulations of handling crowds on sidewalks, sound not to be audible in the surrounding resident and having a cell phone.

Mr. McCormack stated he did not have a problem with the three stipulations he added.

Chair Alan asked were did they anticipate drawing their late night crowd.

Mr. McCormack stated they were trying to create a market for fine dinner at a later hour. He added that their main customers would be industry people who get off late.

Commissioner Joseph asked if they had a lounge area and if they did not have reservations could they sit in the area.

Mr. McCormack stated that 5:00 PM to 10:00 PM walk-ins were encouraged in the lounge. He added afterwards they would need a reservation.

Public Comment

No Public Comment.

Commissioner Joseph moved to conditionally approve with the three stipulations added conditions Commissioner Leong seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Pred, Commissioner Joseph, Commissioner Leong

NOES - *None*

ABSENT- *Commissioner Lorin*

- **c)Oviedo, Leopold, dba "Taqueria Iguana Azul," 928 Geneva Ave. Mechanical Amusement Device.**

Mr. Oviedo resides and Mr. Mariona reside in San Francisco.

Jocelyn stated they had not heard back from planning.

Commissioner Meko stated the response from police made reference to accessory use and that he was hesitant on going forward with it until they heard something clear from planning. He added that the police recommended only one video game and specified no more than 1/3 of their floor area was to be used.

Chair Alan asked how large was the restaurants.

Mr. Oviedo stated that it would fit 40 people.

Commissioner Leong asked Captain O'Neil to speak on the space use.

Captain O'Neil stated that he had not talked to the captain and did not have any specific knowledge of the use of space. He added he would be happy to talk to the captain tomorrow. He added the idea could have been that they wanted to prevent one business from turning into another business.

Public Comment

No public comment.

Commissioner Meko suggested they continue the item when the planning recommendations were in. He added that it Commission should send it to the Executive Committee for further discussion to form a policy.

Commissioner Pred moved to conditionally approve the Permit for the requested two machines pending concurrence from Planning and the recommendation by the Police Department for 1 will not have standing Commissioner Leong seconded the motion.

VOTE:

AYES - ***Commissioner Alan, Commissioner Shlain, Commissioner Pred, Commissioner Joseph, Commissioner Leong***

NOES - ***Commissioner Meko***

ABSENT- ***Commissioner Lorin***

- **d)Sheehy, Brian, dba "Swig," 561 Geary**

  Street, Place of Entertainment.

Mr. Brian Sheehy, Mr. Donnelly and Mr. Doug Dalton resided in San Francisco.

Mr. Sheehy stated they listed 10 main reasons why they would qualify for a permit.

Commissioner Joseph asked what would they do if they got more than 49 people in their establishment.

Mr. Sheehy stated they would have door security at the exit and entrance. He added they expanded the size of door and had sliding window's across the front that could operate as an extra exit if needed.

Commissioner Meko asked what SOMBA meant. He added what was the

South of market Planning Commission and where was the organization.

Mr. Donnelly stated it was the South of Market Business Merchants Association. He added that there was a spelling error and it should read NOMPAC.

Commissioner Meko asked if Commissioner Alan heard of the Tenderloin Culture and Entertainment Commission.

Commissioner Alan stated he had not heard of the Commission. He added it was a Tenderloin Merchants Association with a subset group called the Tenderloin Arts and Entertainment.

Commissioner Meko asked if the applicant had anything in writing from any of the organizations he meet with indicating a position they took in regards to their application.

Mr. Donnelly stated they had a letter from NOMPAC. He added that it was not part of the package but it was submitted with the license application. He added he would be happy to provide it to the commission.

Commissioner Meko stated he did not get good answers about the neighborhood associations and officer Fred Crisp. He added he was uneasy about the application.

Chair Alan stated that hat commissioner Meko was stating that the representations in the applicant's application form the basis upon which the public and the commission make their decision and by not having accurate information it did the applicant a disservice. He added that it put commission in a position were they had the applications to go by and it listed organizations that did not exist.

Commissioner Leong asked if staff had any updates from noise abatement.

Jocelyn stated they did not have any updates.

Mr. Donnely stated he called Officer Anzer today and left message to set up a noise abatement test.

Commissioner Joseph stated that they were good neighbors, they were friendly and there were no incidents that she had heard of. She added they had a petition of support from people in the area.

Commissioner Meko asked that the three stipulations be added.

Public Comment

No public Comment

Commissioner Joseph moved to conditionally approve with the conditions from Meko and Commissioner Leong seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Pred, Commissioner Joseph, Commissioner Leong

NOES - None

ABSENT- Commissioner Lorin

- **e)Smith, John, dba "The Marina Sports Bar and Grill," 2400 Lombard St., Place of Entertainment/Billiard Parlor.**

Chair Alan stated as the chair of the commission he would step down and hand his duties and responsibility to co-chair Commissioner Joseph would conduct the hearing due to his business relationship with Mr. Smith.

Mr. John Smith resides in San Francisco.

John Wood speaking on behalf of the applicant. He added that he was hired to help with the permit process and to organize the applicant's entertainment in a way not to create any problems in the surrounding neighborhood. He added that the venue had been remodeled which included sound-proofing the ceiling and installing double pained windows and were currently having sound curtains made to cover the windows on the Scott street side. He added the closest residents were a block and half down the street and there were primarily businesses. He added that the entertainment proposed was modest there was a small corner of the dance floor which the applicant would like to put a DJ and have a small dance floor. He added the remainder for seating and food and that it would not be a large scale of entertainment. He added that he would have events on the weekend nights. He added that when Mr. Smith contacted him to help him with the permits he contacted Commissioner Meko who gave him a contact of Daniella Kirshenbaum who was a Marina neighborhood person. He added that he sent her an email describing the proposal and what was planned and asked her to pass it on to neighborhood groups. He added he had not received any contacts from neighbors for or against. He added they had a sound test scheduled with Officer Anzer for Thursday. He added he received a letter from planning saying they because the restaurant was currently listed, as bar restaurant they had to file for a change of use through building. He added they would be doing that and that he would hold off on the sound test to continue the planning procedures. He added that Mr. Smith would like to put in a small smoking cove in the near future.

Commissioner Pred asked if Mr. Smith had a chance to review the recommendations from the police regarding restrictions.

Mr. Smith stated he did read the restrictions and one of them said they would like him to close at 1:30 AM. He added he would like to stay open until 2:00 AM.

Commissioner Joseph stated that the applicant could stay open until 2:00AM they asked the applicant to stop his entertainment at 1:30 AM.

Mr. Smith stated that would not be a problem.

Commissioner Joseph asked would the DJ be his entertainment.

Mr. Smith stated that some nights he would and he had ideas of other entertainment.

Commissioner Meko stated that the change of use required a 312 notification and he had concerns because it was such an important notification of reaching out to the neighborhood. He added until they cleared up the issue of getting past planning before the permit came before him was troubled about them going forward. He added he would be much more comfortable if staff recommended a continuation. He read the stipulations from the police. 1) Premises shall be sound proofed and meet all noise abatement requirements 2) sound shall not be audible from outside the premises. He added his recommendation of the sound not to be audible in the surrounding resident. 3) Doors and windows shall be kept closed during entertainment. 4) No entertainment after 1:30 AM. He added that no. 4 should be dropped and the applicant should use his business sense as to how to close own his club. 5) Shall have security and/or door person during all entertainment.

Commissioner Joseph asked was there anything updates on the application that the commission should know about.

Bob Davis stated there was not. He added the notification period for planning and planning process would take awhile.

Commissioner Joseph stated if they conditionally approved the permit today it would only be good for nine months. She added if they did not get the other approvals in nine months the applicant would have to come back and file for an extension.

Commissioner Pred stated continuation would be the best process.

Commissioner Meko stated it would be good if the commission would continue the item.

Commissioner Joseph moved continue the item Commissioner Leong seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Pred, Commissioner Joseph, Commissioner Leong

NOES - None

ABSENT- Commissioner Lorin

- **f)Suverkrubbe, Michael, dba, "The Dirty Martini," 2801 Leavenworth #J-32, Place of Entertainment.**

Mr. Suverkrubbe resides in San Francisco.

Chair Alan asked the applicant was there anything the applicant would like to bring to the attention of the commission.

Mr. Suverkrubbe stated that he did not have anything to add everything was in his application.

Chair Alan asked the applicant on his response to sound proofing he indicated possibly that he would be installing an acoustical ceiling. He added had the applicant had any sound testing and what were his plans to have it done.

Mr. Suverkrubbe stated that they had the picked up the speakers last week and had done some sound testing and the landlord had the right in the lease to adjust to his preference. He added ordered their speaker curtains and that they had not done sound abatement they were waiting for the sound curtains.

Chair Alan asked how large of an area he would much of the dance floor area he would devote to that activity. He added what would be the primary activity.

Mr. Suverkrubbe added that the dance floor area was only 10X10. He added that it would be a bar and a pool table. He added the live entertainment was more for the weekend.

Commissioner Joseph asked what the 12 in house speakers consisted of and was he only using it for live cover bands.

Mr. Suverkrubble they would probably have a live DJ on Wednesday and Thursday and live entertainment on Friday and Saturday.

Commissioner Joseph asked the square footage of the applicant venue.

Mr. Suverkrubble stated it was 5,800 square feet.

Commissioner Joseph stated that he had to get a Billiard Parlor permit.

Commissioner Meko asked what accommodations he was making for his customers that smoked. He added asked far away were the surrounding neighbors.

Mr. Surverkubble stated there was a little mezzaline area up front that they would eventually be building so people could smoke inside but for the time being they would have to monitor. He added that there on the other side of the park was the nearest residents.

Commissioner Meko stated since the police did not recommend any stipulations would the applicant have any problems not having the sound is not to be audible in surrounding residents and having a cell phone.

Public Comment

Mr. Keith Dion resides in San Francisco one of the owner's of Jazz Nouveau and he was present to insure that the noise abatement did not disrupt their business. He added if the commissioner would include them in their noise abatement test.

He added that they had issues with the previous establishment Bad Habits with the use of the cell phone and availability, they called to complain of noise and they didn't respond.

Public comment closed.

Commissioner Meko stated that the sidewalk and cell phone stipulation should be added applicant should distribute a cell phone number to the surrounding neighbors. He added that the stipulation came out of cooperation between neighbors and advocates for late night entertainment.

Commissioner Shlain asked that the line of communication should be open with Mr. Dion.

Mr. Surverkubble stated they did the sound check when the business was not open. He tried to do it at a time when they did not have live entertainment going on. He added in order to do a sound check they did have to turn it up to see where they were. He added that it was in their lease that they could not disturb the residents.

Commissioner Joseph asked what type of speakers they were going to have.

Mr. Suverkubble stated that they were the existing speakers that were there before. He added there were four subs and four mid range speakers a total of eight. He added they eliminated four.

Commissioner Joseph stated that she was concerned about the club being open in the evening as well that played jazz against booming noise.

Mr. Suverkubbe stated that the owner was a supporter and it has been discussed with the landlord and the sound has been addressed.

Commissioner Meko moved to conditionally approve with the three stipulations included the word business Commissioner Joseph seconded motion.

VOTE:

AYES - ***Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Pred, Commissioner Joseph, Commissioner Leong***

NOES - ***None***

ABSENT- ***Commissioner Lorin***

- **g)Koeneke, Beth, dba "Aids Life Cycle" Ceremonies, June 6th, 6AM to 7AM, Nogesco Field at Parker and Turk.**

Beth Koeneke resides in San Francisco. She added she was present to represent Aids Life Cycle.

Chair Alan stated that the time was 6:00 AM to 7:00 AM.

Bob Davis stated that Ms. Koeneke's associate along with Mr. Macintyre meet this afternoon.

Ms. Koneneke stated if the commission had any questions about the meeting her associate would answer their questions.

Commissioner Shlain asked if they thought the 6:00 AM loudspeaker would be bothering any of the neighbors.

Ms. Koeneke stated yes, and she was approached by one of the neighbors that had been very vocal with other activities at the college. He added that when he got the notice he contacted Jocelyn.

Bob Davis stated they did have the meeting and meet a compromise. The agreement that was reached was that they would place someone at the back of the venue and the speakers would be oriented across the soccer field and they

would try to pull the crowd as close as they could and lower the sound. He added the amplified sound had never been an issue in the passed it was the people who were cheering when they exited to begin their ride. He added that all parties agreed meet next January to discuss all of the available options to them. He added the commission should not use this as precedence and to continue to have the kind of outreach that they had. He added that he would like to read Dr. Martin Macintyre's comments. *Because the request for the permit was made at the last moment he was not able to wait until the end of the hearing to make my statement, trust that they applicant would abide by the agreement reached before the hearing by which before the hearing keep the sounds low as possible, provide adequate notice for future events and not use this as precedence.*

Public Comment

No public comment.

Commissioner Joseph moved to approve, Commissioner Shlain, seconded the motion.

VOTE:

AYES - ***Commissioner Meko, Commissioner Leong Commissioner Josesph, Commissioner Alan,***

Commissioner Pred, Commissioner Shlain

NOES - ***None***

ABENT - ***Commissioner Lorin***

5. COMMISSIONER COMMENTS

AND QUESTIONS

Commissioner Joseph stated the report from the Visitor and Convention Bureau that tourism was up in San Francisco by 3% in the first quarter. She added it was individual tourism and not business. She added Gay Pride has been set Chaka Kahn would be performing at 5:00 PM. She added that she wanted the Entertainment Commission to address the public at the event to have some visibility.

Commissioner Pred stated his comment related to the Swig item that was covered. He added that the commission had encountered in the past that had been less than forthright, and clouded the commissions ability to make clear and unfettered decisions without feeling the weight of concerns if there were any potential problems. He added that the Entertainment Commission should be consistent over time in response to applicants that are inconsistent. He added in the past they have been objected and accepted.

Commissioner Shlain stated that as they go forward staff would catch them and write them and put in their recommendation. He added it should be staff's responsibility to question the application.

Commissioner Meko stated that staff was doing a good job on research. He added that

Commissioner Lorin asked to be involved in addressing some of the problems that the commission was having with Southern station. He added one of the problems was they were not receiving incident reports. He added that he knew of several incidents that had occurred and stipulations that came in late. He added the next Executive Committee agendize the item to determine a specific approach to it.

Commissioner Leong stated that he attended the Fanime Convention in San Jose and heard about several other medium sized conventions taking place over the holiday weekend in other cities. He stated that these are yet examples of us losing convention business to other cities and that there is the need for our City to become more competitive in bringing events to San Francisco.

Commissioner Alan stated that he wanted to make an recommendation, he added that over the last serious of meetings they had involved a series of conditions that seemed applicable to most if not all permits that had been granted. He added that the commission and the staff should take a proactive position and send the recommendations to the district station as in a check box arrangement or a set of standard conditions that might be applicable and a place for them to add their comments so the commission would not get conditions that were five years old. He added that Bob Davis should convene a meeting with Captain Taccini regarding his decisions to close the streets of north beach on the weekend and to work with him to explore how they could maintain order in North Beach without restricting access to the business. He added that he had received phone calls from small restaurants and small business stating that their businesses were empty because the police were closing down the streets.

Bob Davis stated they attended a meeting with Captain Taccini and meet with 50 merchants last week including Mr. Taranto.

Chair Alan suggested an agenda item for the Executive Committee to develop a policy on a yearly basis that the Commission could reissue the Entertainment permits and update the conditions that were no longer applicable.

Commissioner Joseph stated that sometime ago the commission had come up with the idea of issuing permit's to promoters and what was the status.

Bob Davis stated that Supervisor Maxwell. Was looking into it and he was waiting for the next draft. He added that the city attorney asked one of the questions was what was her definition of "promoter."e

Commissioner Joseph stated that she wanted to start doing a tutorial and seminar program. She added the people who took the course would have some skill that they could utilize the skill and utilize and use it as a payback.

Commissioner Shlain recommended that Events Committee take it on because the Executive Committee agenda had a lot of nuts and bolts to deal with.

6. EXECUTIVE DIRECTOR'S REPORT

The Director reported the following:

- Bob Davis stated the budget was officially introduced today and the Entertainment Commission's budget was in tact. He added that he received an estimate from DTIS on electronic payment and it was off the map.

- Bob Davis stated that the legislative committee that was being set up was very important. He added the Mayor wants the commission to convene as soon as possible. He added the hearing on the prevailing wage and what negative impacts it may have had.

- Bob Davis stated that the legislation Supervisor Maxwell was putting forth was going to come quickly and the commission needed to be prepared to holding hearings.

- Bob Davis stated the Mayor has informed the Taxi Commission to move out of their office space.

- Bob Davis stated that things with Barnevale and Kelly's were going well.

- Bob Davis stated that they issued 47 permits and 14 POE's since the last report.

Public Comment

Mr. David Pilpel resides in Francisco. He stated that asked about the detail of the Commission's budget. He added that Commissioner Joseph commented about promoting more events in the city he added there was a narrative that suggested that Administrative Services would create a new office of film tourism and events. He encouraged the staff provide copies.

Captain O'Neil with SFPD stated in regards to reviewing the permits he suggested that the Entertainment Commission should talk to the tax collector to make it easier. He added that Commissioner Meko was correct about the reports not making it to the commission. He added that they had some further discussion with the commander and command staff. He added that he had planned to talk to the acting captain at Southern station.

John Wood with the SFLNC stated that in response to Bob Davis comments to Supervisor Maxwell pending legislation she suggested he added that he thought it would be a mistake to require all promoters to have a license. He added there was many versions of promoters because sometimes community groups came to together to just do an event and would never do anything else and it was

ridiculous to make them have a yearly license. He added they could create a promoter license and have it be voluntary. He added that if Supervisor Maxwell made it a law that you had to have a promoters license in order to do an event in San Francisco it would be criminalizing community groups that came together to do a single event.

Lt. Schlotz stated that she talked to officer Meyer from Southern station and told her to get her reports in timelier manner for the Entertainment Commission to review them. She added that Officer Meyers asked that arrangements be made for her to attend a hearing.

7. REPORTS FROM THE EVENTS COMMITTEE

Commissioner Joseph stated that on May 5th meeting they discussed an evening with concerts, tennis golf industry mixers. He added fundraiser events be channeled to non-profits and the reason for the events was to promote awareness about who the entertainment commission was He added that they extended their help He added that New Years help was not needed. Discussed events to the international arts festival. May 19th meeting was a Halloween meeting. Reviewed the Halloween team structure. He added that they tabled the section on messaging and that they volunteered a gatekeeper. He added the entertainment commission would be taking on vendor permits.

8.REPORT FROM EXECUTIVE COMMITTEE

Nothing to report. Labor Day holiday.

9. DISCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETINGS

Nothing to discussed.

- **10.ADJOURNMENT**

Having completed all business, the Entertainment Commission adjourned at 8:19 PM.

Respectfully submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, June15, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of May 18, 2004 and June 1, 2004. **[Action Item]**

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a. **Canchola, Rigoberto, dba "Canchola's Bar" 3775 Mission St., Billiard Parlor.**

   b. **Mendoza, Francis dba " Tip Top Club" 3776 Mission St., Billiard Parlor.**

   c. **Bloxsom, David, dba "Sisters of Perpetual Indulgence/Pink Saturday, Loudspeaker Permit, 18th and Castro, Saturday June 26, 2004, 6:45PM - 1AM.**

   d. **Pornchai, Hutachinda, dba "The Café," 2369-2371 Market Street, Extended Hours Premises.**

   e. **Alan, Terrance, dba "Music Incubator/Blue Cube" 34 Mason Street, Place of Entertainment/Extended Hours Premises.**

5. Report on the appointments to the Legislative Committee and notice of its meeting schedule. (Terrance Alan, President)

6. Commissioner Comments and Questions.

7. Report from Executive Director (Bob Davis, Executive Director)

8. Report from Events Committee. (Joseph Pred, Chair)

9. Report of Executive Committee. (Jordan Shlain, Chair)

10. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

11. Adjournment

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

June 15, 2004

MINUTES OF THE

June 15, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Jim Meko

Jordan Shlain

Bruce Lorin

Bowman Leong

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

[NdP1]

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:10 PM.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Dr. Jordan Shlain.

Absent were, Commissioners Pred

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

The Chair called for comments from the public on items not appearing on the agenda.

2. PUBLIC COMMENT

Chair Alan opened the meeting in memory of Ray Charles who passed away this week. He added that Ray Charles was a pioneer who overcame many obstacles in his life to be a shinning beacon for the world.

Mr. Jose Adriazola, a case manager and resident of the mission district. He was present to speak on behalf of the youth through the mission district and though out the city. He introduced the Commission to two youth artist who recently produced a youth festival that consisted of sports tournaments and a talent show contest that was very successful event that was family and community oriented. He added that it was brought to his attention that some issues business owners were having with youth that were 21 and under hanging around in front of their business and the streets without alternatives for them because of their age. He added that they were present today to offer some ideas and their services and were willing to corporate and collaborate with the Entertainment Commission as well as business owners to provide entertainment for youth through out the summer.

Chair Alan asked the two Artists to step forward and offer information on what they did.

Mr. Andre Ele is a resident of Diamond Heights district. He added he frequented the mission district area doing things with Mr. Adriazola. He added that he was at the Youth Space rally as a DJ. He added there was nothing to do for youth 21 and under.

Christian Adriazola a resident of the mission district who has been a DJ through out High school. He added that they had nothing to do because of lack of events for youth this summer. He added if there were party or events for youth that would be cool.

Jocelyn stated that she had asked Mr. Adrialzola to come because the Entertainment Commission did the permit for his event.

Commissioner Joseph suggested that they meet with the Youth Commission on doing outreach and finding space.

Commissioner Liam Shy stated that it would be great idea and it was the idea behind youth space for the past seven years and it had been very difficult. He added that one of the things the Youth Commission was working on was budget advocacy. He added they were trying to secure the funds that the city once put into youth space and the program park sessions, which were no longer in

existence. He added that collectively the programs were receiving $200,000.00 of city money and they want to preserve the funds for a youth space. He added that he attended a hearing earlier and they heard from youth of the Bay View Hunters point and they stated if they had fun safe things to do, it would help save lives.

Commissioner Joseph stated they should look for funds anywhere they could.

Chair Alan stated that the Entertainment Commission has been quietly working behind the scenes and they had been listening to the Youth Commission and the youth and have been watching the situation and the commission felt that music and entertainment was the ideal candidate to level the playing field across generations and race barriers. He added the Entertainment Commission was going to take a leap to help with the problems the youth have been experiencing.

3. REVIEW AND

APPROVAL OF MINUTES

Public Comment

No Public comment

3. Review and approve minutes of Regular Entertainment Commission Meeting of May 18, 2004 and June 1, 2004

Commissioner Meko moved to approve the Minutes May 18, 2004 Regular Meeting of the Entertainment Commission; Commissioner Lorin seconded the motion.

VOTE:

AYES – ***Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Lorin Commissioner Joseph, Commissioner Leong***

NOES - ***None***

ABSENT- Commission Pred

Public Comment

No public comment

Commissioner Joseph moved to continue the item to approve the June 1, 2004 Minutes of the Regular Meeting of the Entertainment Commission; Commissioner Leong seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Joseph, Commissioner, Commissioner Leong

NOES - None

ABSENT- Commission Pred

ABSTAIN- Commissioner Lorin

Public Comment

No public comment.

4. Hearing and Possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

Item A

- **Canchola, Rigoberto, dba "Canchola's Bar & Grill" 3775 Mission St., Billiard Parlor.**

Jocelyn Kane stated that the first permit listed was a simple billiard parlor permit for Canchola's Bar. She added that the permit came before the commission originally on May 18, 2004 and for lack of information from the Planning department they continued the item because staff had now received

both approvals from planning and district station at Ingleside. She added it was all the required approvals the applicant needed. She added staff recommended the commission approving the permit and its entirety.

Commissioner Lorin stated he knew there were some recommended stipulations from the police department. He asked were the recommendations acceptable to the applicant.

Mr. Canchola stated he was and agreed with the recommendations and stipulations by the police department.

Commissioner Shlain stated on police recommendation No. 4, he wanted to know where the police and the Entertainment Commission role in recommending revocation or suspension.

Chair Alan stated the commission would be the body through which the hearing would be held if it were to be brought forward and could be brought forward by the police department recommending that the commission hold the hearing.

Public Comment

No public comment.

Commissioner Shlain moved to approve Commissioner Lorin Seconded the Motion

VOTE:

AYES - ***Commissioner Lorin Commissioner Alan, Commissioner Meko, Commissioner Joseph, Commissioner Leong***

NOES - ***None***

ABSENT- ***Commissioner Pred***

Item B

b) Mendoza, Francis dba " Tip Top Club" 3776 Mission St., Billiard Parlor.

Jocelyn Kane stated it was an application for a Billiard Parlor permit. She added she spoke with the applicant today and the applicant was not present knowing that his status of his permit and planning was requiring a 312 notification. She added that Ingleside would recommend approval but she received another fax from Ingleside that they were researching further and requested that it be continued. She added that staff recommended continuance of the item.

Public Comment

No public comment.

Commissioner Leong moved to continue the item to the call of the chair Commissioner Shlain Seconded the Motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Joseph, Commissioner Leong Commissioner Lorin, Commissioner Shlain

NOES - None

ABSENT- Commissioner Pred

Item C

c) Bloxsom, David, dba "Sisters of Perpetual Indulgence/Pink Saturday, Loudspeaker Permit, 18th and Castro, Saturday June 26, 2004, 6:45PM – 1:00 AM.

Bob Davis stated that the applicant was applying for a loudspeaker permit from 6:45 PM until 1:00 AM to amplify music speech. He added the Sisters of Perpetual Indulgence produced the event called Pink Saturday in the Castro annually the night before the Gay Pride Parade. He added that there was residence in the area and the noise would carry within the 250 radiuses. He added they received some comments from the public. He added based on the historical nature of the event staff recommended approval but wanted to remind

the commission of all the concerns that had been raised.

Chair Alan asked the applicant if there were anything that the commission should be aware of about his event.

Mr. David Bloxsom stated that everything had been stated in the permit. He added that he had a discussion with Sgt. Rabino who asked him to specify on their map were the DJ's were going to located. He added this was the first year Sgt. Rabino contacted him earlier asking him to specify on his map exactly were the DJ locations would be. He added when they spoke he couldn't give him the exact location of where the DJ's would be because they were still deciding where to put them. He added he did give him an outlined where they proposed to put them.

He added that they were initially looking at between four or five DJ's. He added that Sgt. stated he would not approve that many DJ's because he thought the space was sufficiently large and he didn't think they had that many last year. He added it did seem that that many DJ's would be a concern but when they were spread out sufficiently and the acoustic were done correctly there was no bleed over besides when you had 10,000 to 15,000 people in the space they absorbed the sound pretty well. He added that was his only concern with his recommendation.

Chair Alan asked if the applicant supplied ISCOT the street closure with a map of location.

Mr. David Bloxsom stated that he did and the plot was acceptable ISCOT, however the sound permit it was not.

Jocelyn stated she got a couple of phone calls from Officer Thoma requested the specific sound would be coming from. She added they did not indicate there was a problem but they need the information and it could not be left to the last minute.

Chair Alan stated that the police department were requesting to know were the location were to provide assistance with barricades and structural help. The second request was to reduce the number of DJ's, which was a contradiction to

what occurred in the previous years. He added the applicant was not in agreement with the amount of DJ's.

Mr. Bloxsom stated that Sgt. Rabino proposal was[NdP2] two DJ's he added that if they had only two Dj's there would be an entire area that would not be covered by the sound.

Commissioner Joseph asked the applicant was he going to have five DJ's at 19th Street, Market, and maybe BOFA and two other locations.

Mr. Bloxsom stated that the location they were looking at were the parking lot adjacent to Castro theatre one in front of the Bank of America space and one in front of magnet and one possibly in front of the Castro Country Club and another one up towards 19th possibly in front of Friendly Spirits. He added that they got a lot of feedback from merchants traditionally with the events the space was under populated. He added having the sound in that area drew people to the area and the merchants were happy.

Commissioner Joseph asked if the applicant was comfortable that the sound would not bleed and the location would work for him.

Mr. Bloxsom stated last year they did sound and had a very large sound truck at 18th and Hartford. He added with the number of people that filled the space they served as a buffer the sound and it was also how the speakers were positioned.

Commissioner Joseph stated for those who were not familiar with Pink Saturday, and it was the Saturday before Gay Pride. She added that it came about for a lot of reason and the street would close itself normally. She added the Sister's had been doing it for years and felt they were aware if their sound would bleed or not and she recommend they approve the permit until 1:00AM. She added whether they stopped at midnight or 10:00 PM the party would go on until people left. She added at least having it a structured event and supervise was a really good idea.

Mr. Bloxsom stated that last year there sound was shut down early, it was suppose to run until 1:00 AM and it was shut down at 12:00 AM. He added shutting the sound down at 12:00 AM didn't do anything to facilitate people

from leaving and the streets were not available to be swept until nearly 2:00 AM.

Commissioner Lorin asked why the event was shut down at mid night instead of 1:00 AM?

Mr. Bloxsom stated last year they were late in getting the sound permit in so it passed the first two hurdles. He added that Mission Street station didn't receive it in sufficient time to approve or review it and they basically operating with a sound permit at their discretion.

Public Comment

John Wood with the SFLNC resides in San Francisco in the Castro. He added that he produced the loud sound truck last year and in previous years before that. He added that early in the night unfortunately their sound person was testing the sound system at was asked to turn it down. He added afterwards the street filled with people they didn't get any more complaints that he knew of. He added that Pink Saturday was a great event. He added that the history of the event had been successful and the sisters knew how to handle their event.

Mr. Brian Addy resides in the Castro district. He added during the last few years did he remember a tenant in his building being outreached or approached on their feelings towards the music. He added that the music would be less than 100 feet from his bedroom window. He added that he has lived in the building for 11 years and can remember years when there was not music. He added the street traffic alone didn't keep people from sleeping alone. He added people did not want to listen to music until 1:00 AM in the morning. He added that as a resident he should have a say in the matter. He added that he wanted to have outreach and be considered. He added that he felt the permit should be declined.

Mark Rennie stated that you had to remember it was the largest visitor event in San Francisco and it was a huge boom to the tourist industry. He added that in the Castro its true there will be some issues concerning sound or people there but you had to balance in any kind of a urban situation the equities and that there would be several hundred thousands of visitors that had no where to go and it was only two nights a year that had music and recommended to the commission that they do the event until 1:00 AM in the morning.

Public Comment closed.

Chair Alan stated that this was an opportunity for the public to comment. He added the out reach that was done, he knew ISCOT had a process they have a hearing the Entertainment Commission had a process and a hearing. He added that those present should take it back to their communities that the city of San Francisco was very cognizant of people's needs to comment on items that may fall outside the norm of day to day life in San Francisco and he added that the process did work and if they were not satisfied with how the processed worked to engage more of their community to step forward so they could have a better understanding how the community felt.

Commissioner Meko stated he lived a half a block from the Folsom Street Fair so when the Sisters of Perpetual Indulgence. He added that they had to face the realities of living in a large city in the case of the Castro Saturday night before the Gay Pride Parade it was the epicenter center of the gay world.

Commissioner Meko asked if the applicant if he did any door-to-door neighborhood outreach.

Mr. Bloxsom stated the focus of their outreach was on Pink Saturday largely centered on the merchants in the neighborhood. He added to his knowledge they had not historically done a level of community outreach or any sort of public venue or knocking door-to-door. He added traditionally they had a letter that they handout to various event merchants for two reasons to make sure they aware to not sell things of glass that may put the situation at risk. He added they could prepare a similar letter and pass it out to people in the community who live there to inform them of the event and to get their feedback.

Commissioner Meko stated that the disadvantage of that outreach was they would sometimes they would hear things they didn't want to hear.

Mr. Bloxsom stated he wanted to turn the event into something positive and safe for the community. He added that they had to balance the needs of everyone in the community went to all the sound people at 12 am last year to tell them to all to shut their music off.

Commissioner Meko stated that the Entertainment Commission was not new to the process and when the Sisters of Perpetual Indulgence came back to the Commission next year it was important that they had more of an outreach program to the people who lived there. He added if the applicant had a system of cell phone numbers that would be answered at all times if people had complaints.

Mr. Bloxsom stated that they rented radios at the night of their event. He added that for the he would be assigned the job of "Sound Nun." He added that if someone had a complaint he would be contacted.

Commissioner Lorin stated that being on 18th and Castro was like being on Burbon Street and the organizers had to be sensitive to the residence. He added that the 250 ft. rule should be strongly enforced and the sound should be monitor.

Chair Alan stated he would like to offer a friendly amendment that they approve with the condition that a map to be sent to Sgt. Rabino and the Entertainment Commission detailing the placement. He added that he wanted to advise the commission that he was an unpaid sound person on Pink Saturday. He added for the complete appearance of non- involvement he would abstain from voting due to his involvement with the event.

Commissioner Joseph moved to approve with the condition of a map detailing the area to be sent to Central Station and the Entertainment Commission Commissioner Leong seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Joseph, Commissioner Leong Commissioner Shlain Commissioner Lorin,

NOES - None

ABSENT- Commissioner Pred

ABSTAIN- Commissioner Alan

d) Pornchai, Hutachinda, dba "The Café," 2369-2371 Market Street, Extended

Jocelyn stated that the staff recommended they continue the item. She added they applied on May 13, 2004. On May 18, 2004 an incident occurred outside of the venue, which made the police department hesitate in recommending approval. She added she had a recommended denial from Mission station. She added that the Planning department had required conditional use authorization in addition to the fact that they had indicated some alleged violations. She added that staff's recommendation was to continue the item until all the issues could be addressed.

Mr. Hutachinda resides in San Francisco. He added that they had a manager and security that were not present tonight, however he would have them back in front of the commission in a couple of weeks and explain how they could solve the issue and the possibility of hiring an officer for taking care of incidents.

Chair Alan asked was the applicant familiar with the planning departments process to do a change of use and was he aware that it was a necessary first step for him to take. He added was the applicant aware that the planning department had brought two alleged violations to the Entertainment Commission's attention that would need to be resolved before the commission could move forward on his permit.

Mr. Hutachinda stated that he was aware of both issues.

Chair Alan asked if they were to be granted a permit would they be serving anything other than food and beverages.

Mr. Hutchinda stated that they would have music and serve food and beverages. He added that his patrons inquired about his venue having extended hours. He added the patrons stated if they had extended hours it would be good for the neighborhood. He added it would bring more business in.

Chair Alan stated that in the use description it was important for the commission to know that they were going to continue to have DJ's and music. He added that a section in his application the applicant left it out and he needed

to be clear on the use. He added that he indicated that they were not going to have any dancing however on the application it said they would have dancing he suggested that they amend his application with staff. He added that he indicated that he had not done any outreach to the neighborhood groups. He added that if he did not do any outreach to the neighborhood groups he would not get a permit. He added he must have the evidence to bring to the commission that he had reached out to his neighbors and have mitigated what impacts that may be created by his activity.

Public Comment

No public comment.

Commissioner Meko moved to continue to the call of the Chair Commissioner Leong seconded the motion.

VOTE:

AYES – ***Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Lorin, Commissioner Leong***

NOES - ***None***

ABSENT- ***Commissioner Pred, Commissioner Joseph - was absent from podium at the time of vote.***

e) Alan, Terrance, dba "Music Incubator/Blue Cube" 34 Mason Street, Place of Entertainment/Extended Hours Premises.

Bob Davis stated that the applicant applied for a place of entertainment and extended hours permits on May 18, 2004. The business plan indicated a mixture of business incubator and event space with pending type 47 liquor license the current status of the application has received approval with conditions from the San Francisco Police department. He added they had a representative from the San Francisco Task Force, Planning and Electrical. He added there was one letter in opposition, which was San Francisco Rescue Mission to the application, and one letter of support from the SFLNC. He added that staff recommended conditional approval for the permit.

Mark Rennie stated he represented the Blue Cube and the applicants. He added

that Andrew Harris was one of the principles with the Blue Cube and was present and available for questions. He added the Music Incubator/Blue Cube was a new concept in entertainment. He added there was an extensive package prepared and there were some letters in support from Supervisor Bevan Dufty and Assemblyman Mark Leno in favor of the project. He added that didn't make it in the package. He added for the commission on the Incubator/Blue Cube. He added that the Music Incubator/Blue Cube was a creative technology hangout. He added it was a participatory entertainment venue and economic hybrid. He added the Music Incubator was not new and had been the fourth in carnation and started first in the Haight Asbury and went second to café at Divisadero and Fulton due to the Divisadero issues with alcohol the move into the adjourning space was tied up for a year with the ABC and liquor license he added it was very successful however without a liquor license they moved onto the Za Spa and spent 7 months there and then grew out of their space.

He added that the fourth space has been about one year in construction. He added the mitigation of particular problems with the potential space. He added that right in the beginning Terrance Alan and Mike Bovo brought in Charles Salter who was one of the best noise abatement people on the West coast and he designed an interesting sound baffling system for the second floor were most of the noise would imitate from the structure and they believe with the sound baffling room there would be no noise spill out past the front windows and also provided a smoking area that would keep the smokers off the street. He added the project components had identified 4,500 [NdP3] parking spots near the venue. He added that the permits be granted with conditions but requested that condition 1 and 3 be amended.

Mr. Andrew Harris stated that the project based on his many years of being an entrepreneur and he has been around the block. He added that the most important thing if you were starting a business was keeping your spirits up and having a good time because it was a long haul. He added that's why entertainment and having a good time and having a celebration was such an important part of the concept. He added that why he was present and requested that the commission approve the permit. He added that entertainment was important for economic development and San Francisco was listed, as one of the top cities in the world for this and it could be better. He added they had a plan they were very excited about that was going and it would be a showcase for enhancing, catalyzing and accelerating entertainment based around entertainment.

Earl Rogers resides in San Francisco. He added that he had a letter by Pastor Roger Wong of the San Francisco Rescue Mission with some concerns. He added that on a new entity that he had a problem with permitting late night entertainment without knowing any history of the venue. He added there were already at least four dance venues in the area. He added in the past the

Tenderloin, had been a place were there was a proliferation of adult entertainment and dance clubs in the area. He added that they did not want to be a dumping ground of what no other community would take. He added that the incubator had been in other locations, he added he would like the history of the other location and were there problems for the neighborhood were there police problems. He added that there was going to be smoking room, he stated on the face of that it really sounded great but there was an excellent chance of staff not going in there that cannabis, would be a part of it. He added alcohol and music would create a problem. He added that he added that because Terrance Alan was involved that the commission had a responsibility to make sure that everything was done with all T's crossed and all I's dotted that not only the Tenderloin community was protected but the commission.

Mr. David Zolobus a community quality of life activist in the Tenderloin. He added that the project was not new to the Tenderloin commissioner Alan had come monthly to the neighborhood community meetings giving them updates. He added that he had the opportunity to take a look at the property and was very impressed with the features and security in place. He added that the building had been abandoned for quite some time and there was a lot of crime element. He added that he also worked on a TNDC board and had discussed it with residence and they were excited about the property for security purpose reasons. He added that he didn't feel safe on the street as it stood today He added it was a good project and they need economic development in the Tenderloin and he was in improvement of the project.

Commissioner Shy with the youth commission, he stated that one of the main priority if the Youth Commission this year was to open up recreation and entertainment options for young adults. He added they had a hearing they had passed a resolution declaring San Francisco in a health crises in the lack of safe entertainment options for young adults. He added that San Francisco had literally only one dance club that was 18 and over which was City Nights. He added they had no 18 and over after hours even though the Youth Commission sponsored legislation and worked with Bevan Dufty and passed at the Board of Supervisors and signed into law by the Mayor. He added that the Incubator/Blue Cube was a good source to keep youths off the street.

John Wood with the SFLNC stated that as someone who worked on helping to create the Entertainment Commission of his intention and one of the intentions of the many people who helped supported the Commission was to redo some of what had happened in the 1990's the confluence of economic pressure enforcement neighbor issues and law enforcement issues made it such that there were very few venues that opened up in San Francisco. He added that one of the reasons they created the commission was to promote nightlife in the city. He added that he was happy to see the Incubator/Blue Cube was something they were looking to have in the city. He added no one was more capable to run the

venue. He added that he fully recommended that the Entertainment Commission grant the permit without limitations.

Barry Taranto resides in San Rafael, stated that he wanted to speak out in support of another club. He added that San Francisco did not have enough of late nightclubs, particularly during the weekdays and if it was going to operate during the weekdays taxi drivers could use the business to line up late at night and that it would improve the area because it was not the most safe block in the city. He asked the commission to require the applicant to create a large whit passenger zone in front of the establishment at night.

Jacqueline Burns resides in San Francisco stated that she came to watch and learn more about the process of Entertainment Commission and she was familiar with Terrance Alan but not particularly with the project. She added she was a producer and director of creative time had come for a concept like his to launch forward and that it was good timing and she hoped that it would happen.

Commissioner Joseph stated the commission was young but the Entertainment Commission was experienced and she assured that everyone on the commission and staff was extremely knowledgeable and professional. She added that the commission did not make exceptions for anyone because they were related to the commission.

Commissioner Lorin stated that he personally had over 10 years of experience in the permit process and 34 years experience with the San Francisco Police code. He added he that he had some questions for Officer Torres. He added that he was interested in the recommended stipulations from the Police Department curious why stipulation number 1 requested that entertainment only go from to 10:00 AM to 10:00 PM

Officer Torres with the San Francisco Police stated they based that condition specifically on the location of the business. He added that Tenderloin district had many residents and based on the experience of the police department and his experience in working the Tenderloin district that nightclubs did create noise. He added that people would be complaining to the police department and also the Entertainment Commission.

Commissioner Lorin stated that he was the biggest advocate on the commission he added under the police code of section 1060 and 1070 those weren't the

consideration for restrictions or denials and that legally they couldn't really make those stipulations unless it was agreed upon by the applicant. He added the ideas about noise under the code if the noise was emanating from within then they could restrict their hours but if it was noise from the outside it was not one of the abilities of the commission. He asked about the request for parking spaces.

Officer Torres stated that as it existed now there was no parking and people have to find parking and with the new club coming in there would be no parking and people who lived in the area would be impacted and have to park three or four blocks away and that was an issue of concern for the police.

Commissioner Lorin stated that restriction number 10 regarding private room, booth and closures they were anticipating having a smoking room that would be an enclosure within the premises. He added was there anywhere that would be accepted by the police department.

Officer Torres stated that the smoking room was basically glass and you could see right through and that he didn't think the section would apply for that.

Commissioner Meko asked Mr. Rennie in reference to the letter of support from Nolty Brother's under the name of the Tenants Coalition of San Francisco where they stated that the facility would have an accessory liquor license for on sale beer and wine only and was that the case.

Mr. Rennie stated there was a pending application before the California ABC for a type 47 licenses.

Commissioner Meko stated that he had question in regards to the conditions were he made several changes to the Good Neighbor Policy. He added the Good Neighbor Policy which was employed by the Entertainment Commission, had its bases in the planning code therefore since it was in the planning code it was approved by the planning commission and then went to the Board of Supervisors. He added that the Entertainment Commission adopted it as its interim policy, which the commission attached to all permits. He added that he would be inclined to strike the good neighbor policy he included in his package and just let the one they automatically attach go forward and if he had any objection to that.

Mr. Rennie stated there were just some subtle changes to make it more neighborhood friendly. He added that from a legal standpoint that is client would not be covered by some of the conditions.

Commissioner Shlain stated that on subject of police condition No. 3 of the parking spaces it was zoned commercial and it was next door to high-density residential area given that had he thought of any other ways to mitigate the neighborhoods desire to not park three blocks away.

Mr. Rennie stated that they would post signs that explain where parking was available. He added they would encourage people to use public transportation. He added they didn't have a problem adding it as a condition. He added that the new Glide Memorial Pavilion would add another 1,000 parking spaces 24 hours a day in two and a half years.

Commissioner Shlain stated that he did not know the history of the Blue Cube.

Mr. Harris stated in their package there was letter from Richard Kay the president of the Haight Divisdero Merchants Emergency Association who was an observer of the project. He stated they normally did not get involved in individual cases, but it was a unanimous decision by the board that the Music Incubator/Blue Cube was such a positive projects it that they made an exception. He added that the main music they moved because they previously grew out of their space.

Commissioner Shlain stated that Mr. Rogers's concerns were all well founded. He added that one of the things commissioner Joseph stated was true that the commissioner dotted the I's and cross the T's and they had to. He added that given that the current president of the Entertainment Commission was going to be participating in the club he added that it was incumbent on all the commissioners to make sure any complaints registered as a result of the club would be taken very seriously and they would be more scrutinizing Of Terrance Alan and his club because of that, and he wouldn't want people to think the commission passing over someone because they were part of the commission. He added that the club would improve some security on the streets and could bring some vibrancy to the neighborhood. He added that they were going to look to groups in the neighborhood to let the commission know how it was going on and issues that were going on that were not being addressed.

Mr. Roger stated that he meant no disrespect in anyway of the commission, however if anything untoward ever happened everybody was a Monday morning quarter back, and everybody had perfect hindsight and idea was they should have done this or that and that was what he was referring to.

Commissioner Joseph stated that the tenderloin was not a dumping ground and she did think it was part of the mid-market renovation that there were people moving in trying to improve the area. She added that improving it with restaurants and nightclubs were people would come would only make the neighborhood more secure. She added that it had been shown that crime did go down when there was more population in the neighborhood. She stated that Mr. Rogers's concerns with the smoking room would be addressed and they had security that would monitor the smoking room.

Mr. Rogers stated that looking at the club on paper was a formula for a problem.

Commissioner Lorin stated to Mr. Rogers concerns the history of the club and how they were functioning. He added that over ten years ago the laws were rewritten because the police department was being subjective in other words one place would be able to stay open later than another in the beginning instead of being consisted. He added that they law made it such as the Police Department shall issue a permit unless A, B or C.

Commissioner Meko stated the following clarifications and stipulations. He added the stipulation of the cell phones being available and sidewalk security and language for the applicant to seek to establish a passenger zone at the front entrance. He added that they strike condition 1 in the police recommendation with restriction of the hours and strike number 3 the police recommendation in regards to off street parking and that they strike item number 5 of the applicant's presentation of the Good Neighbor Policy for nighttime entertainment activities and attach the commission's own Good Neighbor Policy.

Commissioner Meko conditionally approve with the cell phones, sidewalk, applicant seek passenger zone and strike condition 1, strike no. 3 of the police recommendations strike item no. 5 as the Entertainment Commission interim policy Commissioner Leong seconded the motion.

VOTE:

AYES – Commissioner Meko, Commissioner Shlain, Commissioner Joseph,

Commissioner Lorin, Commissioner Leong

NOES - None

ABSENT- Commissioner Pred

ABSTAIN- Commissioner Alan

- **f)Lee, Steven, dba "Glass Kat," 520 4th Street, June 27, 2004, 8:00 PM – 2:00 AM 18 + One Night Event Permit.**

Bob Davis stated the applicant applied for a One Night Dance permit June 8, 2004 for Death Guild a weekly event to include 18 and plus on June 27, 2004. San Francisco Southern station recommended the disapproval of the event due to complaints they received from neighbors via Board of Supervisor, City services committee regarding a variety of issues involving noise and littering. He added they investigated the complaints on conjunction with the Supervisor's Dufty's office. He added the complaint was slow in reaching staff but it did include the parking lot next door. He added that the Glas Kat had a good operation and when there were issues they were addressed rapidly and they had not received other specific complaint and recommend approval on the item.

Mr. Steven Lee, resides in San Francisco. He stated that they were giving a one night weekly permit. He added they had been running the 18 and over event without any issues or problems. He added that David from Death Guild wanted to have a concert expanding 18 and over for just one night on Sunday June 27, 2004. He added it was the same crowd and the group was only available for that Sunday. He added that he forwarded his letters to the Entertainment Commission and Bevan Dufty's office and the City Attorney. He added that they had guards in the alleys to protect the neighbors to prevent any loitering going on. He added that as part of their after hours last year Captain Davenport suggested they close off their parking lot and move and let the people park at the Bank of America parking lot and it worked well. He added that the California parking people decided to open their lot because of the baseball games. He added they were able to rope off half of it on their side of the block to discourage people from parking their but that the whole Brannan Street was open for everyone else to use the lot. He added that they hadn't had any problems until recently that there was something going on in that area.

Commissioner Joseph asked if the applicant had a 47 liquor license and why wasn't his establishment 18 and over and if the he owned and operated the parking lot and was accountable for what went on.

Mr. Lee stated he had a 47-liquor license, and when they took over from the Trocadero the stipulation at that time was to not allow 18 in the club area only in the restaurant. He added that that he had not made an issue to change it yet because he was a 21 and over club. He added that he did not own the parking lot, and he was not accountable for what went on.

Bob Davis stated that it was brought to the attention of city services through the Board of Supervisors it was assumed wrongly that there was an attachment. He added once they were aware of it the City Attorney and the Board of Supervisors backed off.

Commissioner Leong asked was he aware of the nature of noise complaints was it coming from the parking lots.

Mr. Lee stated that he was taking on past issues with the previous club history and it was mainly noise from people going to their cars after the clubs let out. He added that by 2:30 AM people were gone from the area and his security people encouraged people to clear the area and not hang out.

David King resides in Oakland. He added he had been promoting the Gothic events for the past 11 years and they hardly had any problems and they had a really strong security team. He added he was a big advocate for people who were adults being able to go out and enjoy themselves.

John Wood, SFLNC stated he was very familiar with the issue as in his role with the SFLNC he helped negotiate the agreement on the after hours with Captain Davenport of Southern station. He added that a major issue in that process was the nuisance created by the parking lot. He added that the applicant had done everything possible to make the situation better for the neighbors and the current parking situation was not the applicant's fault.

Public Comment

Public comment closed.

Commissioner Leong moved to approve Commissioner Joseph seconded the motion.

VOTE:

AYES – ***Commissioner Alan, Commissioner Meko, Commissioner Lorin Commissioner Leong Commissioner Joseph***

NOES - ***None***

ABSENT- *Commissioner Pred, Commissioner Shlain* ***was absent from podium at time of vote.***

Recess: 7:28 PM

Reconvened: 7:45 PM

5. **Report on the appointments to the Legislative Committee and notice of its meeting schedule.**

(Terrance Alan, President)

Chair Alan stated that the Events Committee would now receive Commissioner Bowman Leong to replace Commissioner Joseph Pred who would be moving to the Legislative Committee and serving with him and they had asked Commissioner Lorin who had stated that he had conflicts in his schedule but would be available in a advisory capacity to the Legislative Committee so he could bring his knowledge to the table. He added as they agreed at the Executive Committee they would have the Legislative Committee have a neighborhood representative and he would like Commissioner Jim Meko to that position and the Committee would be made up of Commissioners Pred, Commissioner Alan, Commissioner Meko and Commissioner Lorin and also Commissioner Shlain. He added that Commissioner Shlain offered to sit in on special hearings. He added that because it was such an important committee he asked Commissioner Joseph to do the same with her expertise.

Public Comment

No public comment.

6. COMMISSIONER COMMENTS

COMMISSIONER COMMENTS AND QUESTIONS

Commissioner Joseph proposed to promote a party and develop a guest list and a news release in celebration of the one-year anniversary of the Entertainment Commission.

Commissioner Shlain stated he wanted to comment on a couple of things one was to commend President Alan on doing splendid job of keeping the meetings well organized and well run he added that his high energy had helped motivate him. He added that as a matter of procedure one of the things that would help the commission would be to attach a map to the permits and a little background to get a flavor of what the neighborhood was like. He added that he liked to go out and watch bands and thought it would be nice for the commission to create and promote and provide a registry of groups that no one knew about.

Bob Davis stated that it would be helpful to send forth names by email and staff could forward them into a database.

Chair Alan stated it would be best to link that idea to an outside Entertainment Commission website.

Commissioner Joseph stated in San Francisco there were directories that anyone could use a reel director to retrieve band information. She added that those agents were best to do that it and it would be better to have a reference to the agents. She added it would be too huge to handle for Entertainment Commission.

Commissioner Lorin stated that he wanted to seconded Commissioner Shlain's comments that President Alan's first year with the Entertainment Commission has put them on the map. He asked had City Hall had entertainment permits yet.

Bob Davis stated that the application had been sent down and was being filled out via the city attorney.

Chair Alan stared that Circus Sol Le had three shows in Las Vegas and none in

San Francisco. He added that entertainment should be used to reach disenfranchised communities and he reminded the new member of the Events Committee that he was handling logo and marketing branding.

He added that he testified in front of the Small Business Commission last evening as they contemplated amendments being proposed by supervisor Gonzalez to the 312 notification and advised them of the process that existed within the Entertainment Commission in an effort to enlighten them on the many duplicative noticing processes that existed for entertainment venues that had alcohol. He added they voted to continue the item.

7. EXECUTIVE DIRECTOR'S REPORT

The Director reported the following:

- Bob Davis stated the budget was moving forward and is [NdP4] intact. And the hearing would be scheduled next Wednesday before the supervisor committee and would be asking questions of staff.

- Bob Davis stated that it was suggested by the Director of Administrative Services that the Entertainment Commission take over the space they currently reside in.

- Bob Davis stated commissioner Alan and he had a meeting with MOCD that went well and they would bring it back to the Executive Committee. He added that a report was due and a draft needed to be formed for the full commission.

- Bob Davis stated that the settlement agreement with Kelly's had been distributed and should be signed shortly.

- Bob Davis stated that the city Attorney would have a draft of Sherrod's law available at the end of next week.

Public Comment

No public comment.

8. REPORTS FROM THE EVENTS COMMITTEE

Nothing to report.

9. REPORT FROM EXECUTIVE COMMITTEE

Commissioner Shlain stated that they had a briefing from Jocelyn on their IT and website development. He added that the process would move relatively quickly to redo the website with bells and whistles. He added they were developing a survey for applicants on the entertainment side and residents on the neighborhood side to get public feedback. He added that they were codifying in detail the Executive Director's role in terms of line items responsibilities and quarterly reviews.

10. DISCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETINGS

Nothing to discussed.

11. ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at

8:19 PM. Chair Alan convened the meeting in memory of Ray Charles.

Respectfully submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, July 6, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Nominations for and election of President and Vice-President of the Entertainment Commission for the period July 2004 to June 2005. . **[Action Item]**

4. Report and possible discussion of the events covered by Entertainment Commission permits granted for "Pink Saturday" and "PRIDE".

5. Discussion and possible recommendation to staff to revise the "Good Neighbor Policy" so that it could apply to all entertainment venues in the city. **[Action Item]**

6. Discussion and possible action to require a "neighborhood map" be submitted with all EC permit applications so that the commission can get a sense of "place" when evaluating each request for a permit. **[Action Item]**

7. Discussion and possible action to change the voting requirement necessary to amend the "By-Laws of the Entertainment Commission" from a "Super Majority" to a "Simple Majority". **[Action Item]**

8. Review and approve minutes of Regular Entertainment Commission meeting of June 15, 2004. **[Action Item]**

9. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a. **Suverkrubbe, Michael dba, "The Dirty Martini" 2801 Leavenworth, Mech. Amusement Device and Billiard Parlor.**

b. **Yul, Piedrahita dba, "Colombianos Unidos Del Norte De La Bahia" 1100 Van Ness Avenue, Fina Estampa Restaurant, One Night Permit Saturday July 17, 2004, 9:00 P.M. – 1:30 P.M.**

10. Commissioner Comments and Questions.

11. Report from Executive Director. (Bob Davis, Executive Director) Reporting on the status of:

- MOU with the Port.
- Status of pending legislation
- Budget report
- Office space
- New hire

12. Report from Events Committee. (Bowman Leong, Chair)

- Halloween update.

13. Report from Executive Committee. (Jordan Shlain, Chair)

- Continued report on the City Attorney's suggestion to the commission on the hearing announcements for posting of permit applications.
- Creation of website subcommittee.
- Discussion of first year report to the Board of Supervisors report.
- Discussion of staff letter to the City Attorney regarding how the Entertainment Commission should view recommendations from the Planning Department and possible action to give staff guidance on making recommendations on permits where there is no clear decision from the Planning Department.

14. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

15. Adjournment

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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Office: (415) 554-7724
(Fax): (415) 554-7854
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WRITTEN COMMENTS

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Entertainment Commission
City and County of San Francisco

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AMENDMENT

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    - Discussion of first year report to the Board of Supervisors report.
    - Discussion of staff letter to the City Attorney regarding how the Entertainment Commission should view recommendations from the Planning Department and possible action to give staff guidance on making recommendations on permits where there is no clear decision from the Planning Department.

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    - Creation of website subcommittee.
    - Discussion of first year report to the Board of Supervisors report.
    - Discussion of staff letter to the City Attorney regarding how the Entertainment Commission should view recommendations from the Planning Department and possible action to give staff guidance on making recommendations on permits where there is no clear decision from the Planning Department.

14. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

15. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

July 06, 2004

MINUTES OF THE

July 6, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Jim Meko

Jordan Shlain

Bruce Lorin

Bowman Leong

Joseph Pred

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

[NdP1]

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:10 PM.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Dr. Jordan Shlain and Joseph Pred Bruce Lorin.

Absent were, Jocelyn Kane

Staff present was, Robert Davis and Crystal Stewart.

The Chair called for comments from the public on items not appearing on the agenda.

2. PUBLIC COMMENT

Mark Rennie wished the Entertainment Commission congratulations on their one-year anniversary.

Public comment closed.

3. Nominations for and election of President and Vice-President of the Entertainment Commission for the period July 2004 to June 2005

Commissioner Lorin commended Commissioner Alan for his work with the commission this past year. He added that he would like to recommend a change and recommended Audrey Joseph to chair the committee for the next year.

Commissioner Joseph accepted the nomination as chair to the Entertainment Commission.

Commissioner Pred stated the commission was still new enough, and he felt that keeping people in the same place for a while longer may well be a good idea and nominated Terrance Alan to continue in the role of the chair to the Entertainment Commission.

For the first nominee for Commissioner Joseph and Commissioner Terrance Alan as chair of the Entertainment Commission

VOTE:

AYES FOR COMMISSIONER AUDREY JOSEPH –

Commissioner Shlain, Commissioner Lorin Commissioner Meko Commissioner Joseph, Commissioner Leong

NOES

AYES FOR COMMIOSSIONER TERRANCE ALAN

Commissioner Pred and Commission Alan

NOES -

Commissioner Alan turned the meeting over to Commissioner Audrey Joseph the new president of the Entertainment Commission.

Commissioner Shlain nominated Commissioner Meko as vice president to the Entertainment Commission.

Commissioner Meko accepted the nomination as vice president to the Entertainment Commission.

Commissioner Alan nominated Commissioner Pred for vice president of the Entertainment Commission.

Commissioner Pred did not accept the nomination for vice president of the Entertainment Commission.

Commissioner Leong nominated Bruce Lorin as vice president to the Entertainment Commission.

Commissioner Lorin did not accept the nomination for vice president of the Entertainment Commission.

Commissioner Shlain nominated Commissioner Meko for the vice president to the Entertainment Commission

For the second nominee for vice-president of the Entertainment Commission Commissioner Shlain nominated Commissioner Meko Commissioner Leong seconded the motion

VOTE:

AYES - Commissioner Shlain, Commissioner Lorin Commissioner Meko Commissioner Joseph,

Commissioner Leong Commissioner Alan and Commissioner Pred

NOES - None

3. **Report and possible discussion of the events covered by Entertainment Commission permits granted for "Pink Saturday" and "PRIDE".**

Commissioner Alan stated that the commission permitted two events, Pink Saturday and Pride. He added at the Pink Saturday discussion they heard from a member of the community and the police department and the commission made a decision to go grant a permit that did not agree with the recommendations of the SFPD. He added that it would behoove the commission to hear from the event producer and the police department their experiences with the event so the commission could be guided for future events and permits for Pink Saturday.

Commissioner Alan asked Mr. David Bloxsom to give the commission a run down on what happened at the event.

David Bloxsom resides in South of Market and represented the Sisters of Perpetual Indulgence. He added the event was a success and there were two minor incidents. He added the arrangement of the DJ's and the sound system was one of the more successful they had this. He added that the block up from 18th street toward 19th street was generally vacant. He added that they had one of their DJ's located in that area and it helped to pull the crowd up and the crowd was a lot less dense in the block were it was usually very full and the crowd control was well maintained. He added that he heard positive feedback from some the merchants and DJ's who performed. He added it was a good learning experience in terms of the permitting process. He added that Pink Saturday was a community-oriented event and each year after the event they meet to find out what worked for the event and what did not to implement a history of the event. He added that he would get the community involved before and after the event to get comments and get feedback for the next event.

Deputy Greg Suhr stated it was really important that the Entertainment Commission know that when they issued the permit for Pink Saturday they would be taking on two events in one. He added the second event was un-permitted and the event got 40,000.00 plus people on Market Street. He added it did stretch their resources beyond what they normally allowed for on a Pink Saturday. He suggested the end time for the music be for 12 mid-night instead of 1:30 AM for safety issues.

Commissioner Joseph asked was the stage on Castro and Market Street,

covered by a permit.

Deputy Greg Suhr stated that it was never permitted.

Chair Joseph asked that the Dyke March be contacted and work with the Sisters of Perpetual Indulgence on the stage for next year so that the stage is legal.

Mr. Bloxsom stated that they worked with Dyke March in the past and last year they put a stage up and contacted them in advance to let them know what they were going to do. He added that the Dyke March was always an issue because around 8:00 PM when all of the people hit Market and Castro they hit their gates. He added they have been doing more outreach to the Dyke March and community and let them know they were having an event and get to the gates safely. He added that there were issues with their sound truck and it was obstructing the flow of people coming out of the event.

Commissioner Alan asked Sgt. Rabino at the hearing were the commission granted the permit he had requested that they reduce the number of sound stages to two and the commission declined to take the recommendation. He added based on his experience from this year would he make a similar recommendation next year or did it work fine with the four stages.

Sgt. Rabino stated the sound system worked fine based on the fact that they lowered the amount of sound.

Commissioner Lorin asked Deputy Suhr if 40,000 people participated in civil disobedient with no violence would they normally tolerate it and take no action.

Deputy Greg Suhr stated over time in San Francisco civil disobedience has been the disruption to those that were acting out in other freedom of assembly type situation. He added as long as the event was one in which it would a freedom of expression that it would be within the boundaries.

Commissioner Lorin asked were there other similar affairs in the city throughout the year were there were large groups that participated on the

coattails of other events.

Deputy Greg Suhr stated Halloween in the Castro. He added that Halloween weekend had always been a spontaneous occurrence and other events neighboring the Halloween main party that also occurred. He added as long as they could keep it within the public safety they'd try to facilitate the events in San Francisco. He added the sound stages on Castro were not the issue it was the end time that stretched their resources the most. He added the event on Market Street ended at midnight whereas the stages on Castro in the public street were there was public consumption of alcohol went until last call or 1:45 AM. He added that many officers had to double back and work the pride parade and asked the commission to take that into consideration.

Commissioner Lorin asked should the commission be regulating the primary event according to what the secondary event intended to do.

Deputy Greg Suhr stated that from a practical standpoint they had always facilitated Halloween mainly because they knew there would be a large amount of people that would show up. He added that there was a significant amount of alcohol and it inherits risk with the lack the of police officers and that's when they have problems with pedestrians. He added it was not a violence issue but rather a traffic pedestrian safety issue with one permitted event going on and one that was not.

Commissioner Alan stated that the entertainment stopped at 1:00 AM and not 1:45 AM. He added that if he had other information it would be helpful to the commission.

Sgt. Rabino stated that some shut down early and some did not until 1:45 A.M. He added that there was one group that did not want to shut down their event. He added some of the officers got taken on because people did not one the event to end.

Mr. Bloxsom stated that he personally shut down all of the sound systems that they authorized with one exception that was a soundstage at 18th and Castro that stayed on until 1:30 AM and was shut down shortly thereafter. He added that it was a decision not made by him but one of the other sisters.

Commissioner Joseph asked Mr. Bloxsom to inform the sisters at their next meeting that a 1:00 AM sound permit was a 1:00 AM sound permit.

Commissioner Alan asked Mr. Wagenhofer to give a brief report about Pride.

Mr. Joe Wagenhofer resides in the Castro district. He added this year's event was larger than it had been in the past.

Commissioner Alan asked Mr. Wagenhofer to make comments to how he might direct the commission, the police, department park and recreation and ISCOT to improve the way which permits were granted for multi-disciplinary events.

Mr. Wagenhofer stated the process was smooth and appearing before the commission was easier for getting sound permits than they had been in the past. He added the one exception was getting the sound permit from Park and Recreation. He had to go to Park and Recreation to request a sound permit and had to go back to the Police Department to get the same permit and the process took another month. He suggested that all sound permit should go through the Entertainment Commission. He recommended float-building space in San Francisco to attract more people to events to make it more spectacular. He added there was a problem of unlicensed vendors at the Pride event that cut in the revenue of the licensed vendors who didn't make the revenue they expected because they had to compete with the unlicensed vendors.

Commissioner Joseph asked if the parade had thought of hiring 10B officers to go around and site unlicensed vendors.

Mr. Wagenhofer stated they did in the past but do to budgetary concerns they were only able to have two officers. He added that they could establish vendor rows that could

post people at point entries for the event.

Commissioner Joseph asked Deputy Greg Suhr for some suggestions.

Deputy Greg Suhr stated that it was a citable offense to sell without a permit. He added that it would be a 10B type of system. He added that other events they used passes that were given to vendors who were licensed to sell.

Mr. Wagenhofer stated they gave all their exhibitors a license.

Captain O'Neil gave clarification on the two separate permits. He added that the administrative code allowed the Port and Recreation and Park Department to issue their own permits. He added they both wanted the police to do them for them and they were advised they did not have the legal authority to do them and they would have to do their own and they were advised to go to the Entertainment Commission. He added that the port decided to go with the Entertainment Commission and park and recreation decided to do their own permits and send their recommendations to the police department. He added it was a confusing process.

Commissioner Shlain asked Captain O'Neil if it made sense that the commission permitted for recreation and park or if it made sense to have both bodies issue permits.

Captain O'Neal stated that it was not his position to discuss policy issues. He added the original ordinance intent of the law was to have a one-stop-shop so that people could go to one location to facilitate everything.

Barry Taranto stated that he worked gay pride weekend and it was the best weekend for taxi drivers. He added that there was some controversy because Market Street was delayed in opening up from 5th to 8th street due to how the barriers were set up by the police. He added that it was important that the promoter help do better public outreach to the cab drivers and taxi commission about the time of the street closures and which ones and times they had access too. He added that taxi stands should be set up to help facilitate transportation.

4. **Discussion and possible recommendation to staff to revise the "Good Neighbor Policy" so that it could apply to all entertainment venues in the city.**

Commissioner Meko stated that he was sensitive to the need to revise the Good Neighbor Policy. He added that the commission had gone by a full year borrowing the Good Neighbor policy for night time entertainment activities in

south of market and have applied it to all permits that the commission had issued citywide. He added, as a policy issue it should be referred back to the Executive Committee was there would be more time to take the issues on because it was not simple to revise the Good Neighbor Policy because it was part of the planning code.

Commissioner Alan stated that he put it on the agenda because he felt that it was requisite to the posting on the commission's website the Good Neighbor Policy for entertainment throughout San Francisco that it not contain references that were not applicable to all neighborhoods and as an housekeeping issue he would vote with Commissioner Meko to send it to the Executive Committee for housekeeping and that it was not a substantive change so when it appeared to the public it would make since to the public upon the first read.

Bob Davis stated that the agreed to review it so that there was some consistency and that the port would look at adopting Entertainment Commission's Good Neighbor Policy.

No public Comment.

Commissioner Meko moved to approve that the Good Neighbor Policy

To be sent to the Executive Committee for housekeeping.

Commissioner Leong seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Lorin Commissioner Joseph, Commissioner Leong

and Commission Pred

NOES - None

ABSENT-

5. **Discussion and possible action to require a "neighborhood map" be submitted with all EC permit applications so that the commission can get a sense of "place" when evaluating each request for a permit.**

Commissioner Shlain stated that the applicant did not need to provide a map and staff could generate a map. He added that a map would be helpful for him to understand the location of venues.

Commissioner Alan stated that he disagreed and the commission did not have the staff and thought the applicant should be responsible for generating maps. He added that the commission could work with planning to provide PDF variation of maps.

Commissioner Shlain stated he was in support if it were easy to get maps from the Planning Commission.

Bob Davis stated that staff could alert the applicant in advance so they could get it done through the Planning Commission.

Commissioner Jospeh agreed with Commissioner Alan about them attaching a map to permits.

Commissioner Lorin disagreed and thought that the commission should make the whole process easier for the applicant because the commission requested the map be attached.

Commissioner Alan made a recommendation that staff investigate through the planning liaison Paul Lord the availability of the citywide map.

Commissioner Meko agreed that a consistency in maps be produced.

Commissioner Leong thought the map would be helpful as well as uniformity with the map.

Public comment

Mark Rennie stated that on page four of the Entertainment Commission's questionnaire application the section on zoning specifically indicated that the applicant include a map. He added that perhaps the application could ask more specific questions.

Public comment closed.

Bob Davis stated they would ask the planning the department which produced a map that was available at the counter to produce consistency.

Commissioner Shlain stated that it should state on the application it should state the specific map so there would no ambiguity. He added it was not a huge burden for the applicant.

Captain O'Neil stated that he agreed with Commissioner Alan on telling people were to go to retrieve the maps and it would be extremely useful. He added that the request for the applicant could be to go to the same URL for consistency.

Mark Rennie stated that that a map wasn't perhaps needed but rather points of interest and what the applicant was next to.

Commissioner Pred suggested that staff get a *Thomas Brothers Guide* book to have available at the commission meetings.

Commissioner Meko moved to a continue the item to the call of the chair have staff present suggestions for map ideas to the Entertainment Commission Commissioner Lorin seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Lorin Commissioner Joseph, Commissioner Leong and Commission Pred

NOES - None

6. **Discussion and possible action to change the voting requirement necessary to amend the "By-Laws of the Entertainment Commission" from a "Simple Majority" to a "Super Majority."**

Commissioner Shlain stated that the issue was currently the bylaws. He added that it was still a work and progress to be tweaked and modified so the document could evolve with the commission. He added that to make changes or amendments the vote should be a super majority.

Commissioner Meko stated that he supported the idea and wanted to point out that the bylaws as currently adopted required 10 days notice before considering adopting any amendment. He added they could discuss it at the meeting but could not vote on it.

Commissioner Leong stated that from his experience policy related issues were approved and disapproved by a super majority.

Public Comment.

No public comment.

Commissioner Lorin moved to continue the item and plan it for the next meeting so there was ample time to take action on it Commission Leong seconded the motion

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Lorin Commissioner Joseph, Commissioner Leong and Commission Pred

NOES - None

8. REVIEW AND

APPROVAL OF MINUTES

Public Comment

No Public comment

Review and approve minutes of Regular Entertainment Commission Meeting of June 15, 2004

Public Comment

No public comment.

Commissioner Shlain moved to approve the Minutes June 15, 2004 Regular Meeting of the Entertainment Commission; Commissioner Meko seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Lorin Commissioner Joseph, Commissioner Leong

NOES - None

ABSENT-

ABSTAIN - Commissioner Pred

9. Hearing and Possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

Item A

a) Suverkrubbe, Michael, dba "The Dirty Martini," 2801 Leavenworth, Mechanical Amusement Dev./Billiard Parlor

Mr. Jeff Pettway speaking on behalf of his partner Michael Suverkrubble of the Dirty Martini.

Commissioner Shlain stated there was a gentleman at the previous hearing with Club

Nouveau who had some concerns about the sound coming from the applicant's

venue that could be being significantly disrupted to his venue and had the applicant meet with him.

Mr. Pettway stated that he meet with the gentleman and a sound engineer to test the sound and it was resolved.

Bob Davis stated that staff went by to the venue. He added that it was in the applicant's contract on what level they could play their music.

Public Comment

No public comment.

Commissioner Leong moved to conditionally approve the Permit Commissioner Shlain seconded the motion.

VOTE:

AYES – Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Lorin, Commissioner Leong Commissioner Pred, Commissioner Joseph

NOES - None

ABSENT-.

Item B

b) Yul, Piedrahita dba, "Colombianos Unidos Del Norte De La Bahia" 1100 Van Ness Avenue, Fina Estampa Restaurant, One Night Permit Saturday July 17, 2004, 9:00 P.M. – 1:30 A.M.

Bob Davis stated that the initial application was submitted incorrectly not by the owner but by the person who wanted to operate. He added that they contacted the owner and informed him of his mistake and the owner came in to rectify the mistake. He added that he also filled out the application for a Place of Entertainment. He added that they did not received an approval from Mission station staff asked that the commission hear the owner.

Commissioner Joseph asked if it was a restaurant with out a Place of Entertainment that served alcohol.

Bob Davis stated that was correct. He added that from the advice of the city attorney a One Night Dance permit could be issued for the number of people that were currently allowed to enter the restaurant.

Commissioner Joseph asked if it was a one-night permit for 18 and over.

Mr. Julio Shimzato stated that it was.

Commissioner Lorin asked who would be utilizing the space for the event on July 17, 2004.

Mr. Shimzato stated that Piedrahita

Yul would be using his space for the event.

Commissioner Joseph asked if the applicant for the permit was present.

Bob Davis stated that the applicant lived in Petaluma and was not able to attend.

Commissioner Lorin stated he had a problem with the process. He added it use to be if a person wanted a one-night dance the premises had to already be permitted and the applicant was the one who was scrutinized for the one night dance. He added the commission could not ask the promoter of the party anything. He added was the owner of the restaurant assuming all responsibilities and liability of the event that evening.

Mr. Shimzato stated that he would take responsibility.

Comissioner Joseph asked what the occupancy of the applicant's restaurant.

Mr. Shimzato stated it was 225occupancy.

Commissioner Joseph stated his permit was for 250.

Commissioner Lorin asked would sound be tested.

Mr. Shimzato stated the previous establishment was a club and he never intended for it to be a club he dealt with private parties.

Bob Davis stated that the sound had not been tested lately. He added that it was a Latin club and restaurant place of entertainment. He added that he suggested applicant apply for a sound test which the applicant was in the process of doing.

Commissioner Meko asked if there were hotel rooms above the restaurant.

Mr. Shimazato stated that there were not hotel rooms above the restaurant. He added that there were two hotels across the street.

Public Comment

No public comment.

Commissioner Lorin moved to disapprove the permit Commissioner Joseph Seconded the Motion.

VOTE:

AYES – Commissioner Meko, Commissioner Joseph, Commissioner Leong, Commissioner Shlain and Commissioner Pred Commissioner Lorin

NOES - Commissioner Alan

ABSENT- None

Commissioner Lorin stated that he believed the process was flawed. He added that it was no disrespect to the applicant. He added the place had problems in the past and the commission was not able to regulate the venues sound. He added that the commission was issuing a blanket permit and the understanding of the police department if they were given one they passed the test.

Commissioner Joseph asked what provision had the applicant made to control the street outside of his business during the event.

Mr. Shimzato stated that they were going to have security people and they always checked on sound.

Commissioner Joseph stated that the captain at the police station said there were fights outside his venue and if he had security the night of that fight.

Mr. Shimzato stated they did.

Commissioner Meko stated that it was not the applicant's judgment as to whether his sound system was properly adjusted or correct for the location. He added it was determined by the police officer that did the sound check. He added that the police department recommended denial of the permit.

Captain O'Neil stated he was unaware of the letter and could not offer anything other than what the commission had in front of the commission. He added that most police officers would not write up a letter unless it was a serious situation from his experience. He added that typically they would weigh heavily on that officers recommendation.

10. COMMISSIONER COMMENTS

COMMISSIONER COMMENTS AND QUESTIONS

Commissioner Meko stated that he wanted to acknowledge Commissioner

Alan's wonderful gift to the commission over the past year. He added that his effort of time, talent and expertise as president of the Entertainment Commission set high standards for the commissioners and he had learned a great deal from him over the year. He added that he gave the entertainment industry a seat at the table considering where they were five years ago and that was the most important part of his legacy. He added that he strongly recommended Commissioner Alan as the chair of the Entertainment Commission Legislation Committee.

Commissioner Shlain echoed the comments of Commissioner Meko. He added that it had been Commissioner Alan's tireless efforts that got the commission where they were today.

Commissioner Lorin stated that he appreciate how he treated law enforcement. He added that he treated fair and appreciated Commission Alan's leadership.

Commissioner Leong stated that he echoed the comments of the other commissioners. He added he attended the Fillmore Street Jazz Festival. He added that he thought it went well. He added that attendance was down this year.

Commissioner Alan stated this project of the Entertainment Commission began in January 1995, so it was fitting that it came to this conclusion. He thanked Commissioner Meko's idea of the Legislative Committee he added that it was truly where he could be more helpful. He added that he found it often frustrating sitting as the chair of the Entertainment Commission to have things happened around him that he had little ability to influence or impact. He added that he added that he had been the liaison to the ABC for the Entertainment Commission that had worked very well. He added that Vans Warp Tour was held on July 3, 2004. He added that that they had received a one-day liquor license from Best Beverage for the passed seven years and this year ABC decided not to give them their license. He added that he received a last minute phone call asking for his intervention on behalf of the city to allow the event to go forward. He added that the commission had a lot of work to do with planning, and the disenfranchised communities, and Park and Recreation.

Commissioner Joseph added that the Entertainment Commission was different than other commissions. She added that they just did not only grant permits and listen to people argue, and they were a proactive commission that made change. She added that it was primarily due to Commissioner Alan's leadership and the commission getting established. She added that it would not stop. She added

that KGO in conjunction with the Symphony and the Arts Commission were having seven concert series at Davies Symphony Hall featuring Katie Lang and others. She added that the Entertainment Commission should be doing these kinds of events. She added the Entertainment Commission would be having their 1-year anniversary party on July 15, 2004 at Bambuddha Lounge. She added that the Executive Committee should stay in tact and the Events Committee was problematic. She added that the focus on the Events Committee was Halloween. She asked if Commissioner Pred would consider coming back to the Events Committee.

Commissioner Pred stated he would consider going back to the Events Committee.

Commissioner Joseph asked Commissioner Leong if he was interested in continuing to serve on the Events Committee.

Commissioner Leong stated he would serve was needed. He added that he did not have the experience of the past members. He added wherever the president thought he would be most effective he would serve.

Chair Joseph stated that the final committee appointments would be made at the next meeting. She added she had a real interest in being on the Legislative Committee. She added she would like to agendize for the next meeting the final committee appointments.

Commissioner Pred stated he recently went to the Small Business Affair and spoke with representatives of the commission. He added that it would be natural opportunity for the Entertainment Commission to reach out to the Small Business Commission.

11. EXECUTIVE DIRECTOR'S REPORT

The Director reported the following:

- Bob Davis stated the commission was emailed the approved MOU report today. He added that they were working with the port on real estate as it relates to the commission.

- Bob Davis stated that the status of

pending legislation would be coming out July 27, 2004. He added that emergency services were coming out with legislation. He added that the Entertainment Commission would have a full voting seat on ISCOT as soon as the budget hearing was officially over.

- Bob Davis stated office space Corrine Meghian will lay out office plan for current space.

- Bob Davis stated the budget was approved for the Commission to advertise for a new hire.

Public Comment

No public comment.

12. REPORTS FROM THE EVENTS COMMITTEE

Commissioner Joseph gave an update on the Halloween meeting. She added that the police had spoken with the Fire Department and have settled their issues about barricades. She added that the Pride Committee agreed to be the sponsor and possibly act as Executive producer of Halloween in the Castro.

13. REPORT FROM EXECUTIVE COMMITTEE

Commissioner Shlain stated they discussed the process of amending the by laws. He added that they created a website subcommittee to try to put together a list of things they would like to see on the Entertainment Commission website. He added that they are working on the commission's first year report to the board of supervisor. He added that they were waiting from feedback on the letter to the city attorney on the Entertainment Commission with the planning commission.

He added they were working on a feedback questionnaire for the public on the Entertainment Commission.

14. DISCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETINGS

Nothing to discussed.

15. ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at 7:34 PM.

Respectfully submitted by Crystal Stewart.

[NdP1]Absent was Joseph Pred

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, July 20, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of June 1, 2004 and July 6, 2004. **[Action Item]**

4. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

5. Appointments for the Legislative Committee, Events Committee and Executive Committee. **[Action Item]**

   a. **King, Pete, Hairrison Street Fair Best Western Event, Loudspeaker & Itinerant Show Permits, Friday Aug. 13, 2004 6pM – 2AM, Saturday Aug 14, 2004 9AM – 10PM, and Sunday Aug 15, 2004, 9AM – 10PM.**

   b. **Whiteside, David, and Paoli, Steve, Mission Bay Food Co., dba "VIXI," 128 King Street, Place of Entertainment.**

   c. **Hsu, Howard, Q Entertainment SF, LLC, dba, "Club Q," 61 Golden Gate, Place of Entertainment, Extended Hours Premises, Billiard Parlor.**

6. Commissioner Comments and Questions.

7. Report from Executive Director. (Bob Davis, Executive Director) Reporting on the status of:

- Legislation
- Office Space
- Entertainment Commission Budget

- Fire Marshall
- Port

8. Commissioners Comments and Questions.

9. Report from Events Committee. (Bowman Leong, Chair) Reporting on the status of:

- Halloween Update

10. Report from Executive Committee. (Jordan Shlain, Chair) Reporting on the status of:

11. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

12. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, July 20, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

AMENDED

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PUBLIC LIBRARY

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of June 1, 2004 and July 6, 2004. **[Action Item]**

4. Appointments for the Legislative Committee, Events Committee and Executive Committee. **[Action Item]**

5. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a. **King, Pete, Hairrison Street Fair Best Western Event, Loudspeaker & Itinerant Show Permits, Friday Aug. 13, 2004 6pM – 2AM, Saturday Aug 14, 2004 9AM – 10PM, and Sunday Aug 15, 2004, 9AM – 10PM.**

   b. **Whiteside, David, and Paoli, Steve, Mission Bay Food Co., dba "VIXI," 128 King Street, Place of Entertainment.**

   c. **Hsu, Howard, Q Entertainment SF, LLC, dba, "Club Q," 61 Golden Gate, Place of Entertainment, Extended Hours Premises, Billiard Parlor.**

6. Report from Executive Director. (Bob Davis, Executive Director) Reporting on the status of:

- Legislation
- Office Space
- Entertainment Commission Budget
- Fire Marshall
- Port

7. Commissioners Comments and Questions.

8. Report from Events Committee. (Bowman Leong, Chair) Reporting on the status of:

- Halloween Update

9. Report from Executive Committee. (Jordan Shlain, Chair) Reporting on the status of:

10. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

11. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

July 20, 2004

MINUTES OF THE

July 20, 2004 REGULAR MEETING

City Hall, Room 400

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Audrey Joseph, Chair

Terrance Alan

Jim Meko

Jordan Shlain

Bruce Lorin

Bowman Leong

Joseph Pred

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

[NdP1]

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:15PM.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Dr. Jordan Shlain, Joseph Pred and Bruce Lorin.

Absent were: None

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

The Chair called for comments from the public on items not appearing on the agenda.

2. PUBLIC COMMENT

Mr. Rudy Colombini gave a presentation for his project called Music City. He stated he was converting a building that was currently a resident into a school of music called "Music City" that will consist of 36 musical studios with 7 to 10 classrooms for musicians. He added that there would be a music venue and a full service restaurant. He added that the creative vision for the institution was the creation of musical entertainment for the bay area. He added that the point of the institution was that kid from a poor neighborhood of San Francisco could come to a major metropolitan area and live for about $500.00 a month and have a television, DSL and be connected with a school, recording studio and rehearsal studio in the same building. He added that the school would teach most major instruments along with music theory and song writing. He added that it would be a true Hard Rock Café. He added that he would like a letter of support from the Entertainment Commission on his project.

Chair Joseph asked when his project got approval from planning when would it open.

Mr. Colombini stated in February or March of 2005.

Chair Joseph asked Mr. Colombini if he would be interested in working with the Entertainment Commission on educational programs that the Commission may be planning in the future.

Mr. Colombini stated that he would love to work with the Entertainment Commission on the educational programs.

Commissioner Alan asked Mr. Colombini had he made the beginning stages in the process of obtaining a permit from the Entertainment Commission to conduct live entertainment, place of entertainment and after hours.

Mr. Colombini stated that he had not started that process.

Commissioner Alan introduced Mr. Colombini to the Entertainment Commission staff to start him in the process of obtaining his permits.

Commissioner Meko stated he was concerned about the residential hotel rooms above the venue. He added how was Mr. Colombini going to keep the sound from filtering up into the filtering hotel. Mr. Colombini stated that he brought in a sound engineer and there was $150,000 dollars of sound material being installed on the ceilings and external windows of the property.

Commissioner Meko stated that the base waves were difficult to predict in an old building. He added that if he could do it, that would be great. He added that he should understand that the residents were entitled to the peaceful and quiet use of their homes.

Bob Davis stated that staff was working with Supervisor Peskin's office to form new legislation that would permit street entertainers. He added that there were two street performers present to speak to the Entertainment Commission about their experiences out on the streets.

Mr. Larry Hunt stated he was known as "Bucket Man" and his group was known as the New Funk Generation Band. He was added that people appreciated the entertainment they did for an hour. He added that he had 297 signatures of support of his entertainment. He added that the community loved what they did. He added that that he has been doing his act since 2000 and felt he was giving something back to the community but the police said he needed a permit because he was amplified. He added that he is not amplified all day.

Brian Compton stated he was the base player of the New Funk Generation Band. He added that he and Mr. Larry Hunt started playing at the UC Berkeley Campus. He added that Gerry Martini the founder from Sly and the Family Stone would be lending his name of support to them. He added that they wanted to work with the merchants near Fisherman's Warf and play for one hour and give back to the spirit of the city.

Commissioner Lorin asked if Mr. Compton could replace his 13 Amplifier with a smaller one.

Mr. Compton stated he could but that he could not be heard over Mr. Hunt's drums.

Commissioner Alan asked Mr. Compton if his experiencing in working with the staff of the Entertainment Commission was helpful to continue his entertainment on the street. He added who were they receiving complaints about their performance, and was it from the residence, the merchants or were the complaints simply confined to enforcement officers.

Mr. Compton stated that it had been very helpful and it was refreshing to know that the Entertainment Commission considered them to be entertainment and not a nuisance. He added that they were receiving complaints mainly from the Red Jackets.

Brian stated that they did not know the answer to the questions because whenever someone came up if it was an officer or someone in the red jackets from the business improvement district they never told them who made the complaint. He added there was a lady named Leann Baughman who is the executive director of the Business Improvement District had some disagreement about them playing. He added that they were trying to have a meeting with the merchants and that they were all cordial with each other.

Chair Joseph stated that there were great cities around the world. She added the street artist performers enriched that urban environment. She added that hopefully the Entertainment Commission could get them legal so they could do their entertainment.

Bob Davis stated that he talked to Leann Baughman and they agreed to meet and discuss possible ways to help in the interim pending legislation on the street performers.

Mark Rennie stated there was interesting article he read in the July 26th issue of Time Magazine. He added that the article stated that Vegas were the No. 1 tourist town in America. He added that room rates were up in Las Vegas 40% from last year and strip hotel were averaging $190.00 per night. He added that $7,000 a month a month people were moving into the Clark County and a good chunk of the growth were driven by people under 30. He added convention were up 11%. He added that the young people of Las Vegas mainly came from L.A. and spent most of their times at the clubs that have sprung up in the dessert. He added that every hotel had at least one dance club.

John Wood congratulated president Joseph for her election as president to the Entertainment Commission in their second year. He added that he would like to thank Terrance Alan for his tremendous sacrifice of his time and energy that he made in the first year of the Entertainment Commission to where they were now.

Barry Taranto stated that San Francisco did have a lot of events however it was hard for the cab drivers to find out when and were they happened. He added that maybe the Entertainment Commission should have a link to what special events there would be for those weekends. He added that the Board of Appeals was confused about the roles of the staff of the Entertainment Commission.

Public comment closed.

Public Comment

No public comment

REVIEW AND

3. APPROVAL OF MINUTES

Commissioner Alan moved to approve the Minutes of July 6, 2004

Commissioner Shlain seconded the motion

VOTE:

AYES - Commissioner Shlain, Commissioner Meko Commissioner Joseph, Commissioner Leong Commissioner Pred and Commission Alan

NOES - None

Abstain Commissioner Lorin

4. **Appointments for the Legislative Committee, Events Committee and Executive Committee.**

Chair Joseph stated she would like to make her various choices for the committee appointments.

Chair Joseph appointed Commissioner Shlain, Commissioner Alan and Commissioner Meko to the Executive Committee. She added that the Events Committee should meet only once a month because Halloween was the only event that was on the agenda for this month. She added that she would like to appoint Commissioner Alan, Commissioner Pred and herself for the Events Committee. She added for the Legislative Committee she would like to appoint Commissioner Meko, Commissioner Leong and herself.

5. **Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.**

Jocelyn Kane stated that the application for a loudspeaker and itinerant show permit. She added that it was in front of the commission because Friday, August 13, 2004 was as a request to amplify sound until 2:00 A.M., which was outside the normal administrative approvals that staff did.

Item A

- **a.King, Pete, Hairrison Street Fair Best Western Event, Loudspeaker & Itinerant Show Permits, Friday Aug. 13, 2004 6pM – 2AM, Saturday Aug 14, 2004 9AM – 10PM, and Sunday Aug 15, 2004, 9AM – 10PM.**

Mr. Pete King stated he was the chair of the Hairrsion Street Fair. He added it was the world's first Bear street fair. He added they were planning to transform the parking lots into a resort hotel. He added Friday, the night of their event was opening ceremonies of the Olympic games and they were doing a fundraiser to support various gay sports club in the San Francisco bay area by watching the broadcast from 8:00 P.M. to 12:00 midnight. He added that would like the party to continue until 1:00 A.M. without the sound.

Chair Joseph asked if people would be watching from screens located outside and what sound system he would do to amplify the sound. She added would the speakers be on stands or on the ground.

Mr. King stated there would be a varity of television monitors spread throughout the properties and they would shoot the images onto tents. He added that the sound and the television program would be inside the tents. He added that it was a feed through Comcast and it was a cable broadcast and they would be using a modest sound speaker He added that the idea was to have four or six in the main tent and a couple of tents in the pool area. He added the speakers would be on stands. He did not know what type of speakers but would be happy to find out and let the commissioners know.

Commissioner Meko stated that he knew south of market pretty well and has lived there 30 years he added people came from south of market for multiple reasons to live to work and play. He added that Sheraton Alley butted against the parking lot were the applicant was having their event. He added Sheraton was a 95% residential. He added that it contain live work units and flats. He added that he contacted the applicant and got together with some residents that lived in the live work unit. He added that he strongly suggested that he contact the residents before his plans went any further and to write a letter. He added that the applicant wrote a good letter with the exception on the not informing them of the commission hearing. He added the applicant did not mention in his letter that the applicant was going to apply for a sound permit that would go until 2:00 AM. He added that he was a little disappointed in his good faith, but overall he wrote a good letter with the exception of the over sites in his letter.

Commissioner Alan stated that there were two inconsistencies with the recommendations of Southern station and the applicant's request. He asked the applicant had he looked at the recommendations. He added that first inconsistency was for Friday where it indicated that amplified sound should cease no later than 10:00 PM, which was inconsistent with the applicant's request and would it effect the event.

Mr. King stated that when he met with the captain of Southern station they would make a recommendation 10:00PM because it was a standard operating procedure. He added and they wanted to be consistent. He added that it would force them to find another venue. He added they were not asking for a 2:00 A.M. sound permit they were asking for a 12:00 A.M.

Commissioner Alan stated that the event for Friday would run with its sound amplification only until midnight and asked what would happen when he turned off the sound system would there be any background music or anything.

Mr. King stated that one of their tents was in the back parking lot and alley and the broadcast show and DJ would shut down at 12:00 A.M.

Commissioner Alan stated that the clarification was helpful for the commissioners. He added was the Saturday event starting at 9:00 AM.

Mr. King stated that they wanted to start on Saturday and Sunday at 11:00 A.M.

Commissioner Alan stated the applicant permit read a request on Sunday for 9:00 AM to 10:00 P.M. and the police recommended 11:00 A.M. to 6:00 P.M. He added were there be any impacts with the time change for event.

Mr. Kings stated that they did not need the earlier start time and the 11:00 A.M. would be acceptable.

Chair Joseph asked the applicant on Saturday he intended his event to go from 10:00 P.M. and would he be charging patrons to get in. He asked when would he stop charging patrons.

Mr. King stated yes he would be charging patrons. He added they suggested to the police department that they wanted an event that didn't impact the neighborhood. He added they would stop allowing new guest to come into the party after 12:00 AM on the Friday event.

Chair Joseph asked if someone showed up at the event and he didn't allow them into the event would the security them away or would they loiter in the neighborhood.

Mr. King stated he believed patrons would go to another venue to hang out. He added that they were providing options for people to go somewhere. He added it was included with the ticket price.

Commissioner Meko stated in terms of the recommendation from Southern station he apologized to the applicant because they did not receive them until today. He added was the applicant aware that Southern station recommended

that the applicant hire 10B officers.

Mr. King stated that they found out yesterday that the police station recommended that they hire two 10B officers. He added that they did not budget for the officers.

Commissioner Meko asked how commissioner Alan felt about the recommendation of the 10B officers.

Commissioner Alan stated he expressed concern that the financial obligation on the police department's opinion on what the applicant required for their security was not given to the applicant in a adequate time for the applicant to respond to determine if the applicant could afford to do it. He added that he would hope that the SFPD would understand and work with the applicant. He added that one would have to look at the track record and the experience of the police department and the applicant for putting on the event and determining whether there should be police standby units paid for by the applicant. He added could the applicant give some history about his events in the past and was there ever any police intervention required.

Mr. Kings stated that he had 20 years of public event experience and the associate producer for the Aids Walk and produced east bay pride in Oakland for the past seven years without incident and had done street fairs in Hayward and Gay Pride in Berkley. He added that he never had an arrest or a serious injury at any of his events. He added that safety was one of his priorities.

Commissioner Alan asked how much security would he employee in the applicant's private team for his event.

Mr. King stated the hotel had private security and television monitors and they and they also had a voluntary safety team. He added in addition to off hours they had paid security over night.

Chair Joseph stated the requirement

of 10B officers was unnecessary.

She added that it would not negatively

affect traffic upon exiting.

Mr. King stated they had talked to residents on Sheraton in the area and had two positive emails.

Public Comment

No Public Comment.

Commissioner Meko suggested after 10:00 P.M. close off the small section of the parking lot on Sheraton alley and putting up barricades to help contain the sound. He added that after 10:00 PM the sound is not to be audible beyond the property line of Sheraton alley. He added that third that he provide a cell phone number to the residents in the surrounding area. He added 4th it was a request to the police dept. to be advised that they know the stipulations.

Commissioner Lorin stated that the commission had the authority to override the Police department.

Commissioner Alan offered a friendly amendment that the commission would accept the conditions of the police department with certain changes. He added the first change would be on Friday August 13th the amplified should continue until Midnight instead of 10:00 P.M. and strike item 9. He added that the second section that referred to Saturday and Sunday strike item 9.

Commissioner Meko accepted the friendly amendment.

Commissioner Lorin asked staff when was the recommendation sent to Southern station and when did they receive the reply.

Jocelyn Kane stated the application was faxed to the office on July 2, 2004. She added that the applicant did not meet with Southern station until yesterday.

Commissioner Alan stated that the date on the signatures of both the acting Captain and officer Rose Myer was July 13, 2004.

Public Comment

No public comment

Commissioner Meko moved to approve with the following stipulations to the permit. No. 1 After 10:00 P.M. close off small portion of the parking lot onto Sheraton alley by putting up barricades. No. 2 After 10:00 P.M. the sound is not to be audible beyond the property line of Sheraton alley. No. 3 Provide a cell phone number to all the residents of the alley that will be answered during the event. No. 4 Advise the Captain at Southern station of the conditions. Commissioner Leong Seconded the Motion

VOTE:

AYES - Commissioner Lorin Commissioner Alan, Commissioner Meko, Commissioner Joseph, Commissioner Leong, Commissioner Pred and Commissioner Shlain

NOES - None

Item B

Jocelyn Kane stated that the applicants had done an incredibly good job on receiving everything approval except from the Building Inspection. She added staff's recommendation was to conditional grant the application with the conditions through the planning location previous to the applicants taking ownership.

- **b)Whiteside, David, and Paoli, Steve, Mission Bay Food Co., dba, "VIXI," 128 King Street, Place of Entertainment.**

Mr. David Whiteside stated he was one of the applicants. He added that the previously venue was Max's Diner and they did have the place of entertainment. He added that the only residents near them was a building called the "Towers" and what they heard from the neighborhood is that that they needed something in the way of a nightclub.

He added that there restaurant was multi-leveled building. He added they had

been there for only two months. He added that they wanted to draw a different crowd and would like to attract special events.

Chair Joseph asked was it still zoned M1. She added why did planning commissions put all of the restrictions on the applicant's application for permitted use. She added that it was a permitted use for them to have nightclub activities there.

Mr. Whiteside stated that it was still zoned M1. He added he did know why Planning put the restrictions on his application. He assumed it was because of the Ballpark because there was a special conditional use permit.

Chair Joseph stated she believed that the block between 2nd and 3rd King and Townsend remained an M1and allowed 10 stories buildings to go up and have nightclubs for permitted use.

Jocelyn Kane stated that the application stated M2 and in addition that the conditions were imposed on the previous owners.

Commissioner Alan stated that in the letter of intent that his events would end at 12:00 A.M. and the events could include a DJ with a sound system or a small band. He asked the applicant if it was his request that the commission that his permit be restricted until 12:00 A.M.

Mr. Whiteside stated no they wanted the permit until 2:00 AM.

Commissioner Alan asked was the applicant aware on the many restrictions on the ability of the applicants sound system.

Mr. Whiteside stated that he was aware of the restrictions.

Commissioner Alan asked if the applicant had a sound test been done by the SFPD and were there any recommendations from them to improve the

soundproofing.

Mr. Whiteside stated that there was no further sound test that needed to be done at his venue.

Commissioner Alan asked the applicant since he would the kitchen area be open until 2:00 A.M.

Mr. Whiteside stated that they would have full service food. He added he would prefer not to have that restriction on his application.

Commissioner Alan stated that the commission could not override the restriction, but he could appeal the conditions that he had inherited set of conditions on his permit.

Commissioner Lorin stated that the special restrictions on the applicant's application could be appealed by going to the zoning administrator. He added was there a recommendation from the police department.

Jocelyn Kane read the following recommendations. No. 1 Entertainment allowed Friday and Saturday nights from 7:30 P.M. until 12:00 midnight. No. 2 permit holder has received and shall abide by copies of municipal police code Sec. 1060, 1022 and 1070. 2B Good Neighbor Policy for nighttime entertainment set forth by planning code Sec. 803.5 2C advisory letter from the City Attorney and Director of Health. No. 3 whenever entertainment is provided in conjunction with the service of alcohol beverages when full meal services not provided premises restricted to persons 21 years or older. No. 4 permit holder shall provide sufficient staff security personnel to facilitate the safe orderly conduct of patrons.

No. 5 recommendation based on the information provided by applicant any change of ownership or operation could require amendment or new application.

Commissioner Meko stated that the recommendations came late and believed they were redundant with the conditions that the Commission already put on the applicant. He added that they ignore the recommendations from Southern station and add instead put the Good Neighbor Policy on all permits. He added

that whenever patrons were on the sidewalk to provide adequate security and the use of a cell phone on the premises with someone of authority to handle complaints. He added that the sound not be audible in the sounding residences.

Public Comment

No public comment

Commissioner Alan moved to conditionally approve the application with the four conditions from Commissioner Meko Commissioner Leong Seconded the Motion

VOTE:

AYES - Commissioner Lorin Commissioner Alan, Commissioner Meko, Commissioner Joseph, Commissioner Leong and Commissioner Pred and Commissioner Shlain

No - None

ABSENT- None

Item C

c) Hsu, Howard, Q Entertainment SF, LLC, dba, "Club Q," 61 Golden Gate, Place of Entertainment, Extended Hours Premises, Billiard Parlor.

Bob Davis stated that the initial staff recommendation was based on information that was received from the applicant and discussions with the City Attorney. He added that staff received additional information and have had several meetings with the City Attorney and there were still some questions and clarifications that were coming from the applicant. He added that staff recommended was to continuation the item.

John Wood speaking on behalf of Howard Hsu and Club Q. He thanked the commission for continuing the item so that the attorney could answer some of the permit legality questions's involved. He added that there was an incident on June 6, 2004 that occurred outside the venue. He added that they agreed to work on some issues while the item was being continued.

Commissioner Meko stated at the March 16, 2004 hearing it was agreed that and as a result the applicant did submit a new application. He asked the applicant did he or did he not have permits

to operate and since he was present to apply for a permit why had the applicant been operating since March with the old permits that were not valid.

Mr. Hsu stated that Hollywood Billiards had never left and the original intended sale was so that the LLC would be transferred into the interest of his partner Q. Wong. He added that it never took place the building space was still Hollywood Billiards and he bought into Hollywood Billiards with 1% ownership stakes so he could continue managing Hollywood Billiards during the transfer period.

Public Comment

Mr. David Addington resided in San Francisco and the building owner of Fair Market Properties, LLC. He added that he brought the building 20 days ago and had been working with Mr. Hsu to resolve the issues.

Mr. Bret Vaughn is the director of property management for Community Housing Partnership and resides in San Francisco. He added that he met Mr. Hsu and the Building owner and they were the apartment building next door. He added no one had attempted to contact them or talk to them about noise that the tenants experienced. He added that on a regular bases they experienced noise late into the wee hours in the morning. He added that the tenant's objections were they could not have the quiet enjoyment of their homes. He added they were not approached until the evening of the meeting and the residents did not know what was going on with the venue. He added that the tenants welcomed the opportunity to work with them in the future.

Mr. Michael Hung a promoter that resides in San Francisco was present to support the applicant Howard Hsu and Club Q. He added that they provided him space to throw nightclub events that he felt the City needed.

Ms. Debra Jones stated she resides at 1000 Market Street next door to Hollywood Billiards. She added that the venue keeps her up late at night. She added that it was not a benefit to the area.

Mr. Andrew Rucker resides at 1000 Market Street. He added that his unit was adjacent to the wall of Hollywood Billiards and when music is played at the venue his floor vibrated all night. He added that he ran a detailing business were he started his days between 4:00 A.M. and 6:00 A.M. He added he was concerned that the applicant stated he was not responsible for his patrons when he closed. He added that the applicant was accountable for the patron's because he would be drawing people to his doorway, which was 3 ft. from his exit. He added that they had a problem with three different gangs in the area that sell drugs. He added that the applicant wanted to stay open until 4:00 A.M. and it would not allow him to sleep. He asked the applicant would he provide security to clear his patrons out of his doorway.

He added that he had altercations trying to enter and exist his residence.

Mr. Paris Don Winslow resides at 1000 Market Street. He added that he would have to sleep with earplugs. He added that is would be a hostile youth environment and feels that extended their hours past 2:00 A.M. because he needed his sleep and hoped that the commission would not permit the venue to stay open after 2:00 A.M.

Mr. Jake Coswell is the president of Ultra Magnetic the audio provider for Club Q. He added that they were asked to deal with the acoustics in the space and to deal with the neighbors and to bring the club to acceptable level.

Chair Joseph asked it Club Q. was sound proofed. She added did they have a remedy to help prevent the vibration from going down to the floor and the walls.

Jake Coswell stated that it had some sound proof based on the Market street side of the building. He added that there were several ways to isolate the sound and test could be done.

Mr. Luis Mendoza is the building manager at 1000 Market Street. He added that he received complaints from the noise of Hollywood Billiards. He added that the owner of Hollywood Billiards was not keeping his venue clean.

Public Comment

Public Comment closed.

Chair Joseph stated that if there were gangs in the neighborhood that Mr. Hsu could visible see he should call the Gang Task Force and the Police to address the issue. She added that equating the youth to be hostile was a very negative connotation because people who were young did not mean they were hostile. She added that if Mr. Hsu had security issue that he was not sure how to deal with them there were a number of small companies in San Francisco that dealt with club security that could advise him on that issue.

Commissioner Leong moved to continued the item to the call of the chair Commissioner Lorin seconded the Motion

VOTE:

AYES - ***Commissioner Lorin Commissioner Alan,***

Commissioner Meko, Commissioner Joseph,

Commissioner Leong Commissioner Pred and

Commissioner Shlain

No - *None*

ABSENT-

Commissioner Alan thanked the neighbors for coming out and alerting the commissions to problems they were not aware of. He added that they would be included in the process as it moved forward. He added that he was concerned that that the neighbors felt the outreach to them was inadequate. He added the commission adopted an increased outreach program that included the posting of the building for 30 days. He added that the other issues brought up by the residence could be addressed through proper training and security protocol so that exit would not be blocked and noise is abated as people leave the venue. He added that the new owner of the building to take a more active role in the management of the building.

Commissioner Meko stated that if their permits were not currently valid he needed to update them. He added that the applicant was responsible of thenoise issue complaints. He added that the residence should keep a log and call the police when there were problems. He added that after a reasonable amount of time they neighbors could sue the applicant up to $5,000.00 individually.

6. EXECUTIVE DIRECTOR'S REPORT

The Director reported the following:

- Bob Davis stated there were several pieces of legislation pending. He added that one piece of legislation that passed that added a tax onto all permits that the commission issued.

- Bob Davis stated that the City Attorney was still working on the legislation for Scharod's Law once Supervisor Maxwell agreed to the language.

- Bob Davis stated they meet with Supervisor Peskin's office to discuss the rejoining the issue of the street performers legislation.

- Bob Davis stated that he would meet with the architect on Wednesday to finalize a space plan.
- Bob Davis stated that the Entertainment Commission budget was passed today and the Department of Human resources would write a job description that would be posted.

- Bob Davis stated that he met with the Fire Marshall on a number of venues were the occupancy ratings for the buildings had been downside. He added that the Fire Marshall would work with the commission on an individual club bases.

- Bob Davis stated that the Port the MOU would be signed and the commission would be working on two approaches with the port on providing venues for places of entertainment.

7. **COMMISSIONERS COMMENTS AND QUESTIONS.**

Commissioner Alan stated that he noted a couple interesting things that he would like to direct staff to include in the standard set of conditions that are applied to all permits. He added that they had been debating in previous commission hearings how the commission would characterize a day before a holiday and he noted that the Planning Commission wording stated and days immediately prior to recognize public holidays. He added that the language would be clear and consistent with the Planning Commission when the commission would allow for a venue to operate on the weekends and days prior to Holidays. He added that the establishment should implement other conditions and/or management practices including the prohibition of dancing to recorded or live music as determined by the zoning administrator in consultation with the Police Department and other appropriate public agencies. He added that they might ask staff to ask the Planning Commission to amend their language so that it reflects the Entertainment Commission and not the Police Department. He added was there any movement on the request made for temporary occupancy permit from Building and Fire and what was the status. He added what was the update on the traffic plan for North beach on how it was working. He added that a Douglas Toby wrote an email regarding Bare Fest that stated that he worried that the commission's decision to allow the permit would most certainly be construed as both lenient and precedent setting resulting in various groups or businesses trying to quote "cash in" on the perceived leniency on the part of the Commission and the neighborhood.

Commissioner Alan stated that he understood the concerns of the writer he did

not want any of the commission's actions to be characterized as precedent. He added that each permit request was handled individually and the impact that they might generate is mitigated individually with a great amount of care and attention on the part of staff and the commissioners.

Bob Davis stated there was no progress and it was discussed at his meeting with the Fire Marshall and at this point they were moving slowly and the Fire Marshall had not received any support from some of his lower staff members and was not prepared to make a judgment at this point. He added that he had asked for clarification on it and nothing was being implemented right now about anticipated that the prescient would put a plan into place.

Commissioner Meko stated that he sat in on architectural selection committee. He added that they are developing a large housing project in South of Market.

Commissioner Shlain stated that the Music City presenter was interesting. He added that he would support Mr. Colobini in getting a letter of support form the Entertainment Commission.

Commissioner Lorin stated that he had concerns in denying permits. He added that the commission was going to have to come up with some written facts justifying denying a permit. He added that what ever was written by the commission and run through the City Attorney since she would be the one that had to defend it.

Commissioner Pred stated in the course of his worked he was approached by the management of Club Mezzanine after they had an interaction with law enforcement they had a patron who left the club transported for medical reasons and law enforcement showed up afterwards and stated they had a new general order that after every call to 911 that resulted in a medical transport they would have to come and do an inspection of the club and review their permits. He added that the commission should look into the request of the officer.

Chair Joseph stated that she received a call from Club Mezzanine. She added she asked about it and no one seemed to know if it existed.

Captain O'Neil stated that he was unaware of any general order and typically it would come out in a department bulletin. He added that he knew there was a great deal of concern from the shooting at the YMCA that stimulated Schrod's

Law and the incident at Hollywood Billiards. He added that he was questioned about the YMCA incident as to whether both venues had a permit. He added if it was a violent criminal type of activity that would be one of the associated things they would want to put into their report. He added they did have the right at anytime to see the permits to make sure the facilities were complying with the permit. He added that he check into the incident through the Captain of planning and the SFPD legal department and stated he would confirm it at the next hearing.

Chair Joseph stated that she believed there was an ordinance or a law that said if transportation because of medical necessity happened it would not adversely affect the permits.

Commissioner Pred asked was there an update form EMS.

Bob Davis stated that the gentleman for the AED returned on Monday and he would give him Commissioner Pred's email address.

Commissioner Leong stated that he believed on permit revocations and the Board of Appeals. He added that staff or designee was still allowed to represent the Commission at the board or permit appeals.

Bob Davis stated that at all of the facts were reviewed by the City Attorney. He added that he could appeal before the permit appeals board.

Chair Joseph stated that Jake Kerswell from Ultra Magnetic stated that the commission might be able to advise clubs that help with the base wave. She added that using isolators or seismic isolators to mount base speakers on would be a huge benefit in stopping the sound wave from dropping to the ground. She added that the first year anniversary party was really great. She added that she read several article about the cost of doing business in San Francisco. She added one of the problems was the cost of doing business. She added small operators and small bands could not come to the city and successfully try to put themselves out there. She added it was the cost of liability insurance and workers compensation, rent and taxes that are imposed upon small clubs have become too high that fewer and fewer businesses were opening. She added that it would be good for the commission to address the issue to the department of Economic Redevelopment or come up with a plan were the cost of doing business did not kill a business before it had a chance to open its doors.

8.

REPORTS FROM THE EVENTS

COMMITTEE

Chair Joseph stated that they cancelled the

Halloween July meeting for tomorrow

because there was nothing to report to the

groups at large and there would be a meeting in August. She added they were not able to get the seed money from the Grants for the Arts because they said they did not have the money to give. She added that the Mayor's office budgeted certain amount of money and put it in the grants for the Arts for the Halloween and it was not done this year. She added they would either go directly to the hotel tax fund or go to the Mayor's office and try to find the funds for seeds money that they needed. She added that sponsorship money was not flowing in. She added that she would be meeting with Steve Ferrio and Lindsey Jones who worked on Halloween last year agreed to meet with her and create a grid to check off all the things that needed to be done. She added all of the city services were on board.

9. REPORT FROM EXECUTIVE

COMMITTEE

Commissioner Shlain stated that the committee was busy working on a number of items. He added that he did not have anything to report at this time because there were a lot of things in progress. He added that they did needed to agendize the By Law amendment clause to a super majority for the next commission meeting. He added that he and Bob Davis were working on the subject of zoning maps. He added they were working on the yearly report to the Board of Supervisors. He added that Commissioner Meko was working on a standard Good Neighbor Policy.

10. DISCUSSION OF AGENDA

ITEMS FOR FUTURE

ENTERTAINMENT

COMMISSION MEETINGS

Nothing to report.

Public Comment

No Public comment

11. ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at 8:15 P.M.

Respectfully submitted by Crystal Stewart.

[NdP1]Absent was Joseph Pred

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, August 3, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of July 20, 2004. **[Action Item]**

4. President's Report.

5. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a. **Wait, Robert, dba "Chances Bar," 298 Divisadero, Billiard Parlor/Mechanical Amusement Device.**

   b. **Bavaro, Paul & Shelton, Michael, dba "Whiskey Thieves," 839 Geary, Billiard Parlor/Mechanical Amusement Device.**

   c. **Stevens, Jon & Reichert, Robin, dba "Studio Z (Transmission Theater)," 1515 Folsom, Place of Entertainment/Extended Hours Premises - AMENDMENT.**

   d. **Petras, Jon, dba "Café Flore," 2298 Market St., Place of Entertainment/Extended Hours Premises.**

   e. **Mathew, Anoop, & Sousou, Rami, dba "VXN, LLC," 270 Columbus, Place of Entertainment/Extended Hours Premises.**

   f. **DeRouen, Dusty, dba "La Terra LLC," 511 Harrison, Extended Hours Premises.**

6. Discussion and possible action to change the voting requirement necessary to amend the

"By-Laws of the Entertainment Commission" from a "Simple Majority" to a "Super Majority." **[Action Item]**

7. Report from Executive Director" (Bob Davis, Executive Director) Reporting on the status of:
   - Office Space update
   - Legislation
   - Hiring
   - Incompatible Activities

8. Report from Events Committee. (Audrey Joseph)

   - Halloween update

9. Report from the Executive Committee. (Jordan Shlain, Chair)

   - Report from August 2, 2004 Executive Committee Meeting.

10. Report from the Legislative Committee (Audrey Joseph, Chair)

    - Nothing to report first meeting scheduled for Friday, August 6, 2004.

11. Commissioners Comments and Questions.

12. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

13. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room *406* is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

August 03, 2004

MINUTES OF THE

August 3, 2004 REGULAR MEETING

City Hall, Room 416

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Audrey Joseph, Chair

Terrance Alan

Bruce Lorin

Bowman Leong

Jim Meko

Jordan Shlain

Joseph Pred

STAFF

Present

Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:08 PM

ROLL CALL

Jocelyn Kane called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Dr. Jordan Shlain, and Bruce Lorin

Absent at the time of roll call were:

Staff present was, Jocelyn Kane and Crystal Stewart.

Staff absent: Robert Davis.

2. PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the agenda.

Public Comment

Mr. Barry Taranto stated there was still the issue of street closure in the Broadway area that was not allowing taxicabs to get through to pick up and drop off customers.

Public Comment closed.

3. REVIEW AND

APPROVAL OF MINUTES

Commissioner Alan moved to approve the Minutes of the July 19, 2004 regular Meeting of the Entertainment Commission;

Commissioner Shlain seconded the motion.

VOTE:

AYES - ***Commissioner Alan, Commissioner Meko, Commissioner Lorin, Commissioner Joseph,***

Commissioner Shlain Commissioner Pred, Commissioner Leong

NOES - ***None***

ABSENT- ***None***

4. PRESDENTS'S REPORT

Chair Joseph stated that the President's Report would be a new item to the agenda. She added she would do a hearing on economic impact to the industry.

She added they would pass out questionnaires to venues and come up with a report on how businesses are doing in San Francisco and what the industry views were. She added the Commissioner Alan was unable to serve on the Halloween Committee. She added that she would dissolve the Events Committee since the only event was Halloween in the Castro. She added she would like Commissioner Pred to continue to help on the Events Committee. She added that special hearings could be held and will look into scheduling a prevailing wage hearing. She added she read an article in the Pres democrat on how the lodging in Sonoma County has increased. She added that the article meant to her that people were visiting the city and leaving and going elsewhere for entertainment.

5. Hearing and Possible Action

Regarding Applications for Permits under the Jurisdiction of the Entertainment Commission

- **a.Wait, Robert, dba Wait, Robert, dba "Chances Bar," 298 Divisadero, Billiard Parlor/Mechanical Amusement Device.**

Jocelyn Kane stated that the applicant she

had no calls opposing the application and

had approval from Park station.

Mr. Robert Wait resides in San Francisco.

He added stated he had his electrical

completed this morning.

Commissioner Lorin stated it was not

official until it came from the office.

Commissioner Meko asked was it

electronic or a pinball machine.

Mr. Robert Wait stated it was not.

Commissioner Leong asked was it a

transfer or a new request.

Mr. Robert Wait stated it was not a new

transfer.

Public Comment closed.

Commissioner Lorin moved to approve

Commissioner Shlain the motion.

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Josesph, Commissioner Shlain***

Commissioner Alan, Commissioner Pred

NOES - ***None***

ASBENT - ***None***

- **b.Bavaro, Paul & Shelton, Michael, dba "Whiskey, Thieves," 839 Geary, Billiard Parlor/Mechanical**

Amusement Device.

Mr. Paul Bavarao stated that he spoke to the police and decided to have a

jukebox instead of DJ after talking to the police about the issue of noise.

Commissioner Leong asked was there residence above.

Commissioner Alan asked who was the police officer that he spoke to about the DJ booth. He asked would the DJ improve his business.

Mr. Paul Bavarao stated that he felt it would not and having a DJ is not something he wanted to do at this point.

Public Comment

No Public Comment.

Commissioner Joseph moved to conditionally grant Commissioner Leong seconded the Motion

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Josesph, Commissioner Shlain

Commissioner Alan Commissioner Pred

Commissioner Leong

NOES None

ASBENT -

- **c.Stevens, Jon & Reichert, Place of Entertainment Amendment Stevens, Jon & Reichert, Robin, dba "Studio Z (Transmission Theater)," 1515 Folsom, Place of Entertainment/Extended Hours**

Jocelyn Kane stated that there was no response from anyone at the time she prepared the memo. She added that the late coming of the recommendations created a problem, but staff would be adding additions after the packages were completed. She added that staff needed more recommendations and asked to continue the item.

Mark Rennie stated he represented the applicants. He added that it was amendment to the April hearing were it was to add Mr. Stevens to the POE. He added it was the intention to expand their business into the 1515 space. He added there were packages available for the commissioners to review of the space. He added there was a close up zoning map of the commercial areas surrounding the venue. He added there were some residents on the other side of street. He added there had been sound complaints for the events held at 1515 Folsom Street. H e added the applicant requested the amendment due to the police saying that they needed to have their permit.

Public Comment

Mr. Bryan Knaap resides in San Francisco. He added that he has worked with Jon and Jeremy and did some sound testing and worked with their sound engineer but hadn't resolved the issue. He added that he offered them a check for $250.00 to start sound- proofing their ceiling and their roof which was a primary issues. He added two months went by and they had not responded to his emails so he cancelled the check. He added he felt they were out of options and getting to the point were they felt they were going to have to leave the neighborhood.

Commissioner Lorin asked did the resident attribute the noise to their venue. He added had the applicant contact officer Anzar at the Police Department.

Mr. Knaap stated that he did because they were open 7 days a week often times they were the only venue open in the neighborhood. He added that he did speak to him and officer Rose Meyer and he was told to go to the Entertainment Commission.

Commissioner Meko asked if the applicant gave the resident a cell phone number to call with complaints.

Mr. Knaap stated he did, however they tried to call for a few weeks and after calling five or six times he gave up.

Mr. Ryan Brown stated he was an acting consultant and good friend with the owners of Studio Z. He added that his relationship with the owners began a year and a half ago to help them with their bar and generating more revenue. He added that he found in a short amount of time that most owners of nightclubs did not get it in terms of the business aspect and needed help. He added that Studio Z had a lot of potential to become one of the best nightclubs. He added that the applicant had two restaurants but only one of the restaurants was making the payments for both restaurants. He added that they needed to fix all the issues having to do with 314 11th Street. He added that one of the issues was the sound and he was in the process of getting funding.

Ms. Marie Strane resides in Daly City and has an office in San Francisco called Entertainment Network Group. She added her job was to bring potential event planners to potential venues were she does a walk through with the client. She added the issue of sound was a main concern that her clients had because she was well aware of different venues and their sound system. She added that she informed all her clients that each venue had to comply within the city laws they had to follow. She added that she attended every event to observe the sound. She added that she was concerned as a promoter the issues of the clubs and she was looking forward to the Entertainment Commission, and venue and the neighborhood can find a medium because she was looking forward to potentially booking the space at Studio Z and creating more funding.

Ms. Audrey Crane resides in San Francisco.

She added that she agreed with Marie Strain that if Studio Z could get more revenue that could put them in the position to commit to their sound abatement issue.

Mr. Barry Taranto resides in San Rafael stated were could promoters hold their entertainment if they were starting to close down areas. He added that if the Entertainment Commission were going to start making it difficult for promoters to have their business there would not be enough events. He added that it would be great if 11th Street could become viable as it use to be so they could tell their passengers were they could go to get their entertainment.

Chair Joseph stated that the Commission did not disagree with him. She added that the Commission's job was to make entertainment happen and one of the ways they did that was when there were disagreements between neighbors clubs they would find a compromise and a way to make it happen. She added their idea was to issue permits and to not shut down venues and to stimulate the business not take it away and the reasons for the hearings was to hear all sides to

find middle ground.

Mr. Taranto stated that it seemed that Planning was building live-work residents in places that had been previously known as very popular hot spots.

Public Comment closed.

Commissioner Meko stated there was a point of clarification since he had spent the last 30 years in the South of Market area. He added that most of the people on Norfolk Alley had been there longer that most of the new owners of entertainment venues

Public comment closed.

Commissioner Alan stated he would like to request some information from the police department since they had been referred throughout the discussion. He asked Lt. Scholtz on behalf of SFPD was there a record of noise complaints on the Folsom Street address of Studio Z.

Lt. Schlotz stated that she was not aware of any noise complaints however, one of the parties mentioned that they spoke to officer Anzar and officer Anzar referred him to the district station and district station referred him to the Entertainment Commission. She added that officer Anzar maybe should have written something and directed it to the Entertainment Commission himself. She added because officer Anzar stated they already had a permit it actually would be a violation that would go through district station and unfortunately they had their hands tied because the Entertainment Commission did not get information from officer Rose Meyer regarding an application and the stipulation. She apologized that she could not comment on it.

Commissioner Lorin stated he spoke with the Deputy Chief who said there was going to be an immediate change of commanding officers. He added that the Chief insured them there would be a change in the response from Southern station. He asked Lt. Schlotz if there had been complaints logged with the Police Department about the location would she be aware of them today.

Lt. Schlotz stated if they had sent the information to the permit office she would be aware of the complaints.

Commissioner Lorin asked as if Lt. Schlotz as a representative of Southern station could be prepared in two to four weeks to give an answer to the Entertainment Commission if any complaints existed.

Lt. Schlotz stated that she could give a report.

Commissioner Alan stated it was his understanding that a relationship was agreed upon between the field operations commander the permits officers and the beat police that the Entertainment Commission would get weekly reports if there were complaints on venues permitted by the Entertainment Commission. He added that he understood that the processes of the actual decision may or may not be complete. He added a regular venue that was generating regular noise complaints would rise to the occasion of having surfaced in the system.

Lt. Schlotz stated that it would have surfaced in the system.

Commissioner Meko asked staff had they received any complaints regarding any locations from Southern station.

Jocelyn Kane stated that staff had not received any complaints from Southern station.

Commissioner Meko stated that the location was a benefit to the neighborhood. He added that he did not want to come down hard on the location however from his years of experiences dealing in mediation situations he was familiar with the tendency of club owners and mangers to concentrate more on the act of making promises and much less on following through on the promises. He added that Mr. Knaap was before the Entertainment Commission August 5th of last year with the same complaints and a year had gone by and they were present with the same issues of not containing the sound issues. He added that he wanted to proposed that if the applicant had concrete steps in place into compliance with the permit that was given to them.

Commissioner Alan stated that it was important for the commission to know

they law they were operating under and before the commission took an action to deny the business owner a right that was guaranteed to him under the planning code because of the activity and or alleged problems occurring from another location under his control that did not rise to the occasion for the Entertainment Commission to deny him his permit. He added the intent was not to shut them down but to move them into compliance. He added if they were going to try and move the 11th Street address into compliance he added that if they were trying to move the 11th street address into compliance he would disagree with Commissioner Meko statement that there was a body of evidence. He added they did not have any police reports they had some letters and there was an indication that there was a problem but to deny them their opportunity to financially move forward to be able to address the problem when there is not the ability for the Entertainment Commission to deny that within the law seems to go beyond the Commission's authority and he cautioned the commission in denying them the right to move forward.

Chair Joseph stated that if they vote to continue the item the applicant had the opportunity to do a one-night permit 12 times a year. She added that what the applicant was asking for on the permit he had a right to do anyway whether continued the item or not.

Commissioner Meko moved to continue

to the call of the chair Commissioner Shlain seconded the motion.

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain***

Commissioner Pred Commissioner Leong

NOES - ***Commissioner Alan***

ASBENT - ***None***

d. **Petras, Jon, dba "Café Flore," 2298 Market St., Place of Entertainment/Extended Hours Premises.**

Jocelyn Kane stated that the applicant applied in late June to begin providing entertainment at his location that had been open for many years. She added in addition the applicant had applied to continue serving food and beverages after 2:00 A.M. to become a 24-hour establishment. She added

that the entertainment was planned to end at 10:00 P.M. She added that the status of the application at the time had been approved by Mission station with conditions and City Planning has scheduled it for a conditional use hearing for September 23rd and in addition she had approvals from the Health Department, Noise inspection they passed and Building Inspection approval. She added that staff was recommending continuing the item until they had the conditions from the Planning Department.

Jocelyn Kane read the stipulations for the venue A through F. *There shall be no violations of relevant state or local noise ordinance, further absolutely from Café Flore Inc. shall be audible in any other residences or business amplified sound or any type of live entertainment is strictly prohibited on the outdoor area Café Flore shall not allow patrons to loiter outside of the business and shall monitor noise levels of person arriving and leaving Café Flore, Café Flore shall respond to Community complaints within 72 hours in writing to the Police Department Permit section the commanding officer at Mission station, the Entertainment Commission and the complainant, Café Flore shall exercise sound business judgment and act reasonably in maintaining order on and around its business, sound judgment includes notification of the San Francisco Police Department of matters that a reasonable person would believe involve crimes of violence and the use of illegal drugs, Café Flore shall be responsible for from the sidewalk and curb areas surrounding the premises by 9:00 A.M. following each evening Café Flore has entertainment and all persons serving alcohol beverages shall receive alcohol beverage control ABC training intoxicated persons shall be refused service.*

Mr. Mark Rennie stated he represented John Davis Petras. He added that he moved in the area 30 years ago when Café Flore opened he liked the place as well as the community. He added that he had letters of support. He added that it venue was in a special use district that had a lot of restrictions and there were a lot of activist in the neighborhood. He added there was an excess of 10 hours of mediation with the neighbors on Beaver Street who were the closest effected neighbors and subject to those negotiations they have worked out the differences. He added that after hours would be limited to four nights per year. He added all entertainment and extended hours would only be inside. He added there were a lot of other restrictions; liquor would be served only until 11:00 P.M. during the week and midnights on weekends and holidays or nights before recognized holidays. He added there were to be no speakers installed outside no loud drumming or musicians outside the building and musicians inside the building will be un-amplified. He added a full menu would be offered to a minimum until 10:00 P.M. and 10:30 P.M. on the weekends and full food service must end one hour prior to closing and unoccupied tables and chairs outside shall be brought in at 9:00 P.M. He added that they were fairly constricted conditions.

Chair Joseph stated she was familiar with Café Flore. She asked what type of entertainment would the applicant have in the venue.

Mr. Matthew Pausa is the general manger of Café Flore and resides in San Francisco. He added that that it would be primarily acoustic music he added any live musician would not need to be amplified.

Chair Joseph asked were the residents on Beaver Street concerned about the noise.

Mr. Pausa stated they were more concerned about drunken patrons leaving a drinking establishment.

Commissioner Meko asked if the conditional use hearing been scheduled earlier.

Mr. Mark Rennie stated that the conditional use hearing had been scheduled and when he got involved it was the following week. He added that he asked for a continuance for the first available date in September. He added it the conditional use would be granted subject to conditions.

Commissioner Meko stated that he did he supported the applicant because he did all the right things as far as planning went.

Commissioner Alan stated that applicant's application did not indicate the building occupancy load and was is set or something that was still in discussion. He added that constraints that was being asked of him to accept in the mediation with the Beaver Street neighbors that had come former, in a perfect world would he find that he would be coming forward with the restrictions on his own or was he bringing the restrictions forward as a way to show the neighbors that he could be a good neighbor and potentially come forward and ask for additional evenings.

Mr. Matthew Pausa stated it was still in discussion, however during the sale of the property it was stated at occupancy of 49. He added that in a perfect world

they were originally requesting to serve liquor until 1:00 A.M. and stay open until 1:00 A.M. every night and they were requesting a lot more and speaking with the neighbors and seeing how adamant they were with their opposition they decided to first build a good will with the neighborhood and get themselves established as being good neighbors and building a rapport and then come back at a later date and tried to extend it.

Public Comment

Mr. John Wood with the SFLNC stated he was a neighbor of Café Flore. He added that he thought that the manager was being generally excessive generous giving up their operation of business hours for Halloween and New Years Eve. He added he wanted to express his support of the venue and they needed more places like it.

Mr. Douglas Forrester stated he lived across the street from the venue and he would be affected more than anybody on Beaver Street and he did not have a problem with Café Flore. He added he had been in the neighborhood since 1992 and Café Flore was good for the neighborhood. He added it was ridicules that the Café had to jump through hoops to please a couple of people. He added that he supported the venue and it was good for the neighborhood.

Mr. Jon Stevens he added that he was a frequent patron of Café Flore. He added that the Entertainment Commission should do everything they could do to allow them to operate on nights on Halloween and New Years Eve.

Mr. Emery Mandel resides in San Francisco.

He added that he was in support of the application and would like to see it approved.

Mr. Greg Taylor stated he had been going to Café Flore for the past 20 years. He added it was a positive environment and place.

Public Comment closed.

Chair Joseph stated that Café Flore was one of the most benign places and could not imagine anything bad happening there. She asked Mr. Rennie if she was to encourage the commission to make a motion to include Halloween, New Years Eve and the Castro Street Fair would it bust completely his deal with the neighbors at Planning.

Mr. Mark Rennie stated that he would ask if she did make the recommendation however, realizing it was not just the planning department. He added it was problematic to push.

Chair Joseph stated they could add Halloween. She added it was a horrible restriction.

He added that it wouldn't hurt but rather it would show the planning commission and alcohol beverage control that the Entertainment Commission felt that the project sponsor was getting pushed a little too hard and did it in order to get what really should have been a matter of right in a perfect world.

Mr. Matthew Pausa stated that they had a policy of closing early on Halloween because they were not the type of place that catered to partiers. He added if anything New Years Eve would be most appreciated.

Commissioner Lorin stated that he thought it was wrong. He added that if the owner brokered a deal with the neighbors and everybody was happy and they came there and the commission changed the deal had there been no deal there may have been 150 people out there who would be opposed the permit. He added that he did not think it was right for the commission to take it upon themselves to try and change the deal. He added that he had voted in the past to conditionally grant something prior to planning and he would be inclined to do it in this case.

Commissioner Meko stated that they would automatically attached the good neighbor policy to it. He added that he would like to offer friendly amendments to No. 1 add a stipulation that they would make a cell phone available to the neighbors that would be answered by someone in authority at all times, and whenever crowds milling around outdoors security would be provided.

Commissioner Leong commended the management owners for bending and going the distance. He added that he had never heard of anything like that before were an establishment had gone to such lengths to appease the neighbors. He added that he encouraged his fellow commissioners to support it. He added that he looked forward to the applicant coming to the commission in the future to modify the permit.

Commissioner Lorin moved to conditionally grant the permit

Commissioner Pred seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain Commissioner Alan Commissioner Pred Commissioner Leong

NOES - None

ASBENT - None

e. **Mathew, Anoop, & Sousou, Rami, dba "VXN, LLC," 270 Columbus, Place of Entertainment/Extended Hours Premises.**

Jocelyn Kane stated that the application was applying for a place of entertainment and extended hours. She added that the applicant applied in early July to operate a medium size restaurant and lounge on the corner of Broadway and Columbus. She added that the applicant's had a type 47 liquor license and planned to serve food and beverages until 3:00 A.M. on weekday's and 4:00 A.M. on weekends and holidays. She added the application had received approval from City Planning and the Health department and in addition she received

last minute she received approval from central station company A. She added the approval was for the POE only and not for the extended hours, she added there were conditions attached. She added the disapproval was based the current situation on Broadway which required most if not all police resources between 1:00 A.M. and 4:00 A.M. She added staff recommendations was to conditionally grant the permit based on the fact that while potential resource problems were a concern to the City it was under the her understanding that the Entertainment Commission must follow Police code Sec code 1060.5 She added that it meant if certain were meet the commission was required to issue permits.

Mr. Mark Rennie stated that he represented VXN, LLC. He added that the commissioners had a packet that showed an outline of the restaurant. He added it was a modern type restaurant with a DJ and it would start off more as a restaurant and as the evening went on it would turn more into a lounge. He added it had a full kitchen and he inspected the premises. He added that it was a beautiful building. He added they should have no sound bleed problems and in the basement of the premises there was a large volt and they were doing a great job of rehabbing and they were almost a year past schedule he added they were paying rent and going through all of the hoops. He stated they were doing a great job. He added that it was in an NC district and they had been through a 312 notification the only issue that was brought forth by a very through a very tough neighborhood group called the Telegraph Dweller's was that they would like the original front door to the historic building restored. He added that he had some letters of support and Officers Fred Crisp stated "they were really nice folks help them out." He added that he was concerned because Broadway was a mess. He added he hoped that they could get a grant.

Commissioner Shlain stated there was a letter of concern from Kim Maley from Pearls for a potential disruption to the other business operation of doing Jazz. He added had the applicant had a sound check with the current set-up and had it tested next door.

Mr. Rami Sousou stated that they did do some sound testing. He added that they sound would not bleed outside. He added the location of the Jazz place and were they were located on the corner they would not hear their sound.

Mr. Mark Rennie stated that he had a map showing the club location. He added that the building was well built and Jazz of Pearls was one story below. He added he didn't see a sound problem.

Commissioner Leong asked did the police department came out to do their own sound test.

Mr. Mark Rennie stated that they were a month away from the end of construction at the moment.

Commissioner Alan stated that the applicant realized the nature if a conditional

grant would be contingent on upon passing a sound test which given the concerns of the surroundings neighbors would include having the sound test to make sure it would not bleed into the other club.

Chair Joseph asked what type of sound system the applicant going to install in the venue.

Mr. Rami Sousou stated they were still in the market for a sound system and they were interested in quality sound were patrons could have a conversation.

Chair Joseph stated did the applicant intend to have live music at anytime.

Mr. Rami Sousou stated that they didn't planned to have live music money at this time. He added that it depended on the business they would be opened to it.

Chair Joseph suggested since they were surrounded by a jazz club the applicant might want to spend a little money since they were in construction and investigate seismic isolators for his base speakers so his the sound did not fall through the ground and hit the other building.

Public Comment

Ms. Kim Nalley resides in San Francisco. She added that she and her husband were the owners of Jazz of Pearls that was right next door. She added that she had two general concerns, once was the sound. She added that their venue was very well known throughout the San Francisco area as one of the few jazz clubs were you could sit down and listen to jazz. She added her club and the venue shared a wall. She added she was concerned about the entranceway, which were double glass doors. She added that she was concerned about crowd control.

Mr. Steve Sheraton resides in San Francisco. He added that he had known the applicants for about a year. He added that he considered Mr. Rami Sousou a friend. He added that he had concerns about the noise issues. He added that even though they're ere different levels base sound traveled. He added that he wanted to see his venue to open but he could not have his club interrupted by loud thumping noise.

Commissioner Lorin asked Ms. Nalley and Mr. Sheraton to take them back eight months ago when they were in front of the Commission if the club were open and operating would they have come to the commission to get their entertainment permit. He added if the commission did grant the permit they would have to do sound testing.

Ms. Nalley stated she didn't know what it was going to be like there. She added she would have come to the Commission.

Mr. Jon Stevens stated that he supported the two venues working together to find an amicable solution to their issues. He added that the Entertainment Commission should support nightlife in San Francisco.

Public Comment closed.

Chair Joseph stated that she understood Ms. Nalley's concerns since they shared a doorway with people noise. She added how did he intend to control the noise so they would not disturb the patrons at Jazz of Pearls.

Mr. Rami Sousou stated the people that would attend his location would not interfere with their entrance.

Chair Joseph asked would Mr. Sousou patrons share the main door for patrons as the Jazz of Pearls. She added was his VIP entrance shared with Pearls. She added what materials would be used to sound proofing the common wall they shared with Pearls.

Mr. Rami Sousou stated no they would not because it was his handicap access door. He added that it was not shared with Jazz of Pearls. He added that they would be having drapes and sound proofed windows. He added they still needed to get their sound testing approved.

Mr. Anoop Matthew resides in San Francisco. He showed the set up of the

venues and how they connected. He added that they were not using anything at this time. He added it was a concrete wall.

Commissioner Lorin stated when the sound check was done they would either pass noise or they don't pass. He added that he agreed with staff on their recommendation disagreeing with the police department because their busy did not qualify for a reason for them to deny. He added that he would like to recommend some modifications to the applicant's conditions.

Commissioner Meko asked staff accepting all of the police conditions or were they saying the Commission should disregard their recommendation and disapprove extended hours.

Jocelyn Kane stated that was correct.

Commissioner Lorin stated that condition No. 2 should be erased which stated operations should cease at 0200. He added that No. 4 was already in condition No. 8 minus the smoking. He added that he wanted to modify No. 6 that says *there should be no noise audible outside of the premises any violation of San Francisco Municipal code.* He added that it was not in the law but rather it shouldn't be audible in any other premise not outside. He added that No. 9 shall be modified to all patrons awaiting entrance shall form an orderly line on Broadway only to satisfy the complaint from Pearls Jazz club sot hey do not block their doorway.

Commissioner Meko stated that he agreed to strike No. 2. He added No. 4, 7 and 8 all directly related to conduct on the sidewalk and the commission had their own conditions.

Commissioner Meko made a motion to conditionally approve striking No. 2 taking 4,7 and 8 and substitute it with the EC own sidewalk security with Commissioners Lorin's condition regarding the line on Broadway and Item 6 the noise replacing it with the EC noise condition Commissioner Leong seconded the motion.

VOTE:

AYES - ***Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain Commissioner Alan Commissioner Leong***

NOES - ***None***

ASBENT - Commissioner Pred (away at the time of vote)

f. **DeRouen, Dusty, dba "La Terra LLC," 511 Harrison Street, Extended Hours Premises.**

Jocelyn Kane stated the applicant applied for extended hours to allow flexibility for event rental. She added that the space was permitted and provided a large gallery and event space to outside promoters. She added the application at the time the memo was written had received approvals from Southern station with conditions, fire and electrical and building. She added that she got final approval from planning. She added that the outstanding conditions were health and noise abatement. She added that staff's recommendation was to conditionally grant.

Mr. Mark Rennie stated that he represented the applicant. He added that the space was built in 1991 and was 12 square foot event space gallery. He added there was no liquor license on the space the plans are to add a type 47 liquor license to add to the premises from six months to one year. He added they did all kinds of events from weddings to cocktail parties, fashion and trade shows. He added it was a M1 district and was directly next to the bay bridge. He added the only neighbor was the Sound Factory. He added it was a great project and what San Francisco needed.

Chair Joseph stated No. 4 of the police conditions all after hour's events restricted to person 21 years old and older. She added that they now had an ordinance that allowed folks between 18 and 21 to attend after hours and if his venue was not license for alcohol was it something that the applicant agreed to.

Mr. Mark Rennie stated that it was something they did not agree to.

Chair Joseph asked did the applicant want to accept No. 4 of the conditions.

Mr. Mark Rennie asked that it was unconstitutional and should be restricted.

Chair Joseph asked if he had a sound test done.

Mr. Dusty DeRouen a manager member of the La Terra. He stated they had not did a sound test done but what he had done was when he hosted events that he thought were loud he went outside and listened and he could not hear anything going on inside their building.

Public Comment

Mr. Jon Stevens stated that he met Dusty a year and a half ago and said he was a responsible business owner. He added that he supported the applicant.

Ms. Mary Strane stated had an office in San Francisco and lived in Daly City. She stated that she has known Dusty for more than a year and a half and was responsible for the meeting of Dusty and John Wood. She believed that club owners should gather and know each other. She stated that her experience with Dusty was he had a great selection of location regarding the type of venue that he would like to be known as owning. She added it was rare to see a venue owner going the extra mile to make sure the venue was keep up outside and inside. She added and he took time to put up beautiful art. She added that she supported the venue and he deserved the permit.

Mr. John Wood with the SFLNC stated that he supported the applicant and it was a beautiful space, he added he was an advocate for spaces like the La Terra because there was a lack of art in the city.

He added the City attorney needed to clarify the procedure for the venue owners on the legislation that would allow for 18 and over after hours. He added that the way the legislation was written it was not automatic the applicant had to ask for special permission from the Entertainment Commission because it did not come automatic with the extended hours.

Public Comment closed.

Commissioner Meko stated that he didn't know if staff could clean up the language regarding 18 to 21 years old but the spirit of the ordinance passed was to do something for the youth. He added that staff had to word it to take out condition No. 4. He added that 18 to 21 were a business decision at this point.

Commissioner Lorin stated that 18 years were overseas fighting for us right now and that when they came home they should not be denied and what ever the commission could do they should give them.

Commissioner Meko moved to conditionally grant the permit

Commissioner Lorin seconded the motion.

VOTE:

AYES - Commissioner Lorin Commissioner Meko, Commissioner Joseph, Commissioner Leong and Commissioner Pred and Commissioner Shlain

NOES - None

Abstain Commissioner Alan

Public comment closed

6. Discussion and possible action to change the voting requirement necessary to amend the "By-Laws of the Entertainment Commission" from a "Simple Majority" to a "Super Majority."

Commissioner Shlain stated that they needed five of the seven votes as super Majority as appose to four of a simple majority.

Public comment

No public comment

Commissioner Shlain moved to approve

To amend the "By Laws of the Entertainment Commission" from a "Simple Majority" to a "Super Majority."

"Commissioner Meko seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Shlain

Commissioner Alan Commissioner Pred

Commissioner Leong

NOES- None

ASBENT - None

- **7.EXECUTIVE DIRECTOR'S**

REPORT

Jocelyn Kane reported the following:

- Office Space update – A purchase order was signed to begin renovations on the Entertainment Commission office.
- Legislation - Schrod's Law language was finally submitted and waiting for additional information to move the legislation the board.
- Position's - The announcement was still in Human Resources because they are still considering special conditions for the classification 1842 once approved there would be public posting and the interviews will be held by the Executive Director and the Deputy Director.

- The Incompatible Activities was reviewed by the city attorney and completed on July 30, 2004 and forwarded to the Ethics Commission.

Commissioner Alan asked about the report of Schrod's Law Legislation he thought from previous reports of from the Executive Director that before it would go to the board it would go through a requested public hearing at the Entertainment Commission.

Jocelyn Kane stated she did not include the information because; Bob Davis did not inform her. She added she would look into it.

8. REPORT FROM THEEVENTS

COMMITTEE

Chair Joseph stated that they cancelled the July meeting and out it on hold because the City's ability to fund the part of Halloween that needed to be funded. She added there was an issue with money. She added that Supervisor Dufty submitted legislation last Tues to the Board of Supervisors to change its status from sponsored to sanctioned. She added they were now able to get money from the private sector, however it wasn't in the budget and the budget was signed She added that from pressure from the neighborhood and a lot of lobbying they were able to get money for insurance, porter potties and dumpsters. She added that Deputy Chief Suhr agreed to pick up the cost for the training of the volunteers, which is required and for the second set of dispatchers.

- **9.REPORT FROM EXECUTIVE COMMITTEE**

Commissioner Shlain stated that the Executive Committee was doing a lot of nuts and bolts and streamlining and making the process of the Commission a little more efficient. He added they were working on forms and getting a standard map to be attached to the permit packages. He added that he Jocelyn created an ad hock website working group and he needed the Commissioner's input on what they wanted to see on the website.

10. REPORT FROM THE LEGISLATIVE COMMITTEE

The Legislative Committee meeting will meet to form itself on Friday, August 06, 2004.

Public Comment

No public comment

11. COMMISSIONER COMMENTS & QUESTIONS

Commissioner Shlain stated that he got woke up at 7:30 A.M. on Sunday

morning a band set up shop on the corner of Haight and Buena Vista west. He added that he looked down and saw police car on Haight Street with some marathoners running down the street and a heavy Metal band playing loud music. He asked to see their permit they said that they did not have one they said it was on an email and they could get it for him later. He added that he told the officer that they would have to shut down until they could produce a permit and gave them his card with their cell phone number. He added once they produced the permit they could continue to play. He added that he got a phone call later and the music went back up to a very large volume. He added they said they had their permit. He added all the neighbors complained. He asked them to turn down the volume to half and he thought everyone would be ok with it. He added instead the guy and the band turned it up even louder. Then the police shut them down. He added that he called the production person for the event. He added He added it was bad planning for the marathon. He added that he was not trying to be difficult but there were general rules of conduct.

Commissioner Pred stated he will be out of state for the following several meetings and would be returning for the second September meeting.

Commissioner Alan stated that he had four things that he would like to bring up in his comments. He added that he had a hand out that was excerpted from the Sunshine Ordinance Sec 67.17 Public Comment by members of policy bodies. He added that it became apparent to him that it was critical for himself and for his fellow commissioners that they had an understanding of what their obligations were as commissioners and as citizens when it related to their testimony in front of another commission or another body within the city and county of San Francisco. He added that he asked the city attorney to guide him as to whether it was or was not appropriate for a commissioner to speak in front of another commission. He added that he was severally criticized for having done so at the Board of Permit appeals. He added that he did not want the Entertainment Commission to be sullied by any appearance of the act of impropriety on his part. He brought to the Commission's attention that *Policy Bodies shall not stanchion, reprove or deprive members of their rights as elected or appointed officials for expressing their judgments or opinions including those that deal with the perceived inconsistency of non public discussions, communications or actions with the requirements of the state and federal law or of this ordinance.* He added commissioners did have the right to speak in front of other commission when items when items came up that caused them to be motivated. He added that he read in the San Francisco Examiner and he was concerned that Ala Cart in the Park had left San Francisco as a result of the Park and set of sound guidelines for events that occurred in the park. He added that the new sound ordinance made it impossible for Ala Cart to continue to operate. He requested that the chair convene an immediate public hearing into the ramifications of the ordinance. He added that the commission could possibly assistant Park and Recreation since the Entertainment Commission had expertise in that area. He asked that the Executive Director or staff make some direct communication with Park and Recreation and say that the Entertainment

Commission had expressed some concerns about Ala Cart in the Park vacating as a result of the new set of requirements. He added that Dave Ford wrote an article regarding the DJ academy and its offer of summer camp. He added that the Entertainment Commission needed to be aware of these kinds of activities at went on. He added that he read an article on Mayor Gavin Newson were he was quoted saying. He added when the Mayor was asked the question of what kind of CEO would he be, Mayor Newsom replied "*but we hire the competency, we hire good managers and let them do their jobs without fear of failure, I think mistakes are a porthole of discovery in my businesses my core value is to fail forward fast, ready fire aim we have quotes all over Waynegetsky said that the miss shots are the shots you don't take. We talk about Mario Andredi if things don't seem out of control your not driving fast enough.*" He added that as the Entertainment Commission he thought that they had to take the words of the Mayor to heart and keep it in mind as the Commission moved forward through the morass of competing boracites and make a clear stand that the Entertainment Commission did consider the impacts of its activities as one of the priorities but at the same time they could not be a world class city and have the arts and entertainment communities leave that charge if they didn't take risk.

Commissioner Meko stated that at the last commission meeting they had a surprised guest who came before the commission at the beginning of general public comment and Sunshine prescribed that any amount of time that was given to one speaker had to be given to all speakers in public comment. He added that he went on for at least 10 minutes. He added that two days later he appeared before the Planning Commission to make the same presentation and the Planning Commissioners, he added there were a dozen speakers who were opposed to the project because he was in such a hurry that he didn't bother to talk to anyone in the surrounding neighborhood. He added one speaker did speak in favor. He added that the Commissioners chose to continue the item for several months at which point the gentleman said something inappropriate. He added that he understood the Commission was in the entertainment business but cautioned the commissioners not to get caught up in the enthusiasm of a promoter and to take their time at those things.

Chair Joseph stated that Jocelyn gave states from the Musician Local 6. She added that musician Local 6 was the union that represented people who played instruments.

She added that it was sad from 1989 to 2003 casuals musicians had decreased by 41%. She added steady employment including regular bands and hotels have decreased by 93%. She added that musicians could not find work in the city and it was a sad commentary. She added that Commissioner Alan didn't read the best part of Mayor Newson's remarks "*Don't worry about asking me for permission ask me for forgiveness after the fact.* She added that fail forward fast were things that you learned from failing, don't fail forward and fall back but fail forward. She added that it should give the Commission some encouragement to move forward in the things the commission did. She added it

those in the industry and promote the industry that it was incumbent on them to provide places that would motivate people to be creative, musically creative, dance creative and arts creative and litature creative in general. She added that popular culture had taken a fall like it has never taken before the last true new music joiner was Hip Hop, which was now 23 years old. She added that she saw the hearing and people were saying that Music City was going to bring more prostitution and homelessness to the neighborhood she stated, "how did a school do that?" She added they were afraid of the café a place were after the people learn their trade have a chance to display it. She added that she applauded the DJ school Music city if it got off the ground and any other venue in town that was willing to encourage people to create the next thing.

12. DISCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETINGS

Nothing to report.

13. ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at 8:34 P.M.

Respectfully submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, August 17, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of August 3, 2004. **[Action Item]**

4. Discussion and possible action to approve a letter in response to a Cease and Desist letter from Brooke Oliver Esq. representing Door Dog Music Productions a.k.a. "World Music Festival" regarding the use by the S.F. International Arts Festival of images, logos and other materials claimed by Door Dog Music Productions. **[Action Item]**

5. Discussion and possible action to adopt a Statement of Incompatible Activities for the Entertainment Commission. **[Action Item]**

6. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a. **Glikshtern, Peter, dba "Mighty," Utah Street between 15th and Alameda, Commercial Loudspeaker, Saturday Sept. 18, 2004, 8:00 P.M. – 4:00 A.M.**

   b. **Goodman, Keith, dba "The Cellar," 685 Sutter Street, Place of Entertainment.**

   c. **Amin, Saied, dba "Benvenutti," 4704 Mission Street, Place of Entertainment.**

   d. **Shinzato, Julio dba "Fina Estampa Restaurant," 1100 Van Ness Ave., Place of Entertainment.**

   e. **Ross, Jeff dba "San Francisco Independent Film Festival," One Night Dance Alexandria Theatre at Geary and 18th Avenue, October 29, 2004**

8:00 P.M. – 2:00 A.M.

7. Discussion and possible action to ratify or to ratify with conditions, the Place of Entertainment permit issued to McVeigh, Terrance, dba "The Chieftain Irish Pub," at 198 5th Street, that was issued in error for failure to hold a public hearing as required by SF Police Code Sec. 1060.5 **[Action Item]**

8. Report from Executive Director " (Bob Davis, Executive Director) Reporting on the status of:

   - Office Space
   - Legislation
   - Budget

9. Report from the Executive Committee. (Jordan Shlain, Chair)

10. Report from the Legislative Committee.

11. Commissioners Comments and Questions.

12. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

13. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room ***406*** is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

August 17, 2004

MINUTES OF THE

August 17, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

'04

Audrey Joseph, Chair

Terrance Alan

Jim Meko

Jordan Shlain

Bowman Leong

STAFF

Present

Bob Davis

Jocelyn Kane

and Crystal Stewart

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:13 PM

ROLL CALL

Jocelyn Kane called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, Dr. Jordan Shlain, and Bowman Leong

Absent at the time of roll call were:

Commissioner Lorin and Commissioner Pred.

Staff present was, Bob Davis, Jocelyn Kane and Crystal Stewart.

The Chair called for comments from the public on items not appearing on the agenda.

2. PUBLIC COMMENT

Mr. Michael Almstead with E2K stated he wanted to inform the Commission of the Cyber Games coming to San Francisco for the month of October. He added it was one of the largest video gaming competition and youth fest of this kind in the world and there would be 64 teams coming to San Francisco to partake in the competition. He added that they have been working on the event for a 1½ years with the city to make it happen and won the bid against Milan, London Singapore and Sole Korea and San Francisco got the bid to produce the event. He added that the event would be held at Bill Graham Civic Center Plaza. He added it was a great opportunity for youths to attend. He added that he appreciated the support of the city.

Commissioner Joseph asked since he's event would draw mostly young people what time the event end.

Mr. Almstead stated the opening ceremonies were at 6:00 P.M. on Wednesday and the tournament began on Thursday and would run through Sunday. He added it would go from 8:00 AM to 8:00 P.M.

Chair Joseph asked were would the young people would go after the event.

Mr. Almstead stated they would be staying at the Marriot Courtyard Hotel and they would hold a welcoming and farewell ceremony. He added most of them would go to their computer and practice. He added that that they hoped that they would have a chance to visit some other locations around town.

Mr. Larry Hunt known as "Bucket Man" stated he was stopped by the police for performing on the streets prior to coming to speak at the hearing for not being permitted. He added that he is anticipating the Commission to get street performers permitted.

Mr. Davis stated he has been working with Mr. Hunt to try to find locations were the he would be allowed to play. He added that he has set up meeting with the Union Square BID to try to see if there were locations were he could perform. He added the legislation they were working on with Supervisor Peskin's is a ways off and they don't have a permit that the Commission could technically issue street performers.

Commissioner Shlain asked were there specific people complaining.

Mr. Davis stated that when he talked to the local Business Improvement District the manager indicated at one of the locations by the clock the buckets resonate because the buildings were so close so she would call the police. She agreed to meet to find other locations that she would find acceptable.

Public Comment closed.

Public Comment

No public comment.

3. REVIEW AND

APPROVAL OF MINUTES

Commissioner Alan moved to continue the Minutes of the August 3, 2004 regular Meeting of the Entertainment Commission;

Commissioner Meko seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Joseph, Commissioner Shlain

Commissioner, Commissioner Leong

NOES - None

ABSENT- Commissioner Lorin & Commissioner Pred

4. Discussion and possible action to approve a letter in response to a Cease and Desist letter from Brooke Oliver Esq. representing Door Dog Music Productions a.k.a. "World Music Festival" regarding the use by the S.F. International Arts Festival of images, logos and other materials claimed by Door Dog Music Productions.

Chair Joseph asked City Attorney Virginia Dario Elizondo to brief the commission on the item.

City Attorney Virginia Dario Elizondo stated that they received a letter From Ms. Oliver in response to a letter that was sent in June of 2004 regarding the use by the San Francisco International Arts festival of some material of Door Dog Music. She added that the letter that was sent generated a lot of misunderstanding and concern in the community. She added it was her understanding that in fact the commission

had no plan or intention to use Door Dogs logo or any of its intellectual property and as such the Commission would be issuing a letter that made it clear that the Commission had no such intention and if the Commission planned to the Commission would receive appropriate authorization.

Public Comment

Mr. Andrew Wood the Director of the San Francisco International Arts Festival. He added that he should explain the letter and the circumstances. He added the letter sent by the President Alan to the World Music Festival. He added that they participated in the San Francisco International Arts Festival last year. He added there was a dispute and they had attempted to back out of the festival and they said they would not use any of their materials post festival. He added they broke their agreement during the festival and straight afterwards. He added they went to mediation and they did not meet their part of the bargain and therefore he considered they broke the agreement and they would be able to use their information again. He added that the letter was sent because of that and there was no binding agreement any further.

Ms. Brooke Oliver stated that she was the attorney for S.F. World Music Festival. She added there was an agreement between World Music Festival and the S.F. International Arts Festival the terms in which were not subject to public discussion. She added that repeatedly the World Music festival had denied permission to the World Festival to continue to use its name programming and its logos. She added the real concerns they had was not the terms of the dispute but rather the Entertainment Commission itself did not need to get involved in the private dispute and they had nothing critical to say about the International Arts Festival simply that the World Music Festival had not given permission at any time after the 2003 International Arts Festival for the use of its logos. She added that the concern of many non-profits in the community was the interpretation that the Entertainment Commission could use the Arts Commissions contract to justify taking one non-profits images, logos and programming in support of an different organization when so many years and so much energy had been used to create an independent identity and it was the public act that they had concerns about an not a private dispute and she would appreciated that they not go into a public discussion.

Mr. Michael Santos resides in San Francisco and is the Executive Director of Door Dog Music Productions and they produce the San Francisco World Music Festival. He added the issues that was striking to him was the fact a City Commission would actually send a letter to a non-profit organization saying that they were going to allow and authorize another non-profit organization to use their branding and logos and their image. He added whether or not an issue with the third party it was alarming that a City Commission would actually give them materials to use that were theirs. He added he could understand if the promotional materials that the City Commission would like to use belonged to their organization and were developed by their organization and using money that was funded by the City. He added telling them that another organization that that developed their own materials with money that was not funded by the funded by the city had the right to use those materials that had their brand, name and image on them without their permission.

He added it was a scary precedent for future non-profit organizations and artist. That had intellectual information in the city. He added if that type of letter could go out what could happen to any artist that had intellectual property. He added the issue was not with the International Arts Festival in the matter the issue was with the letter referring to promotional materials develop by another organization with their brand, name and image.

Mr. Kugay the program director of the San Francisco World Music Festival. He added that they have developed the festival and worked diligently with no pay for the past five years. He added that it was a lot of sacrifice and they want to protect their identity and programming.

Public comment closed.

Commissioner Shlain stated seeing the letter what specifically could a commissioner act on behalf of the commission in letters like the one mentioned.

Ms. Dario Elizondo stated that issue was addressed in the Entertainment Commission By Laws. She added that the Commission President could act in ways that have been authorized by the Commission. She added that it was her understanding that the letter was not approve by the commission although there was an item on the agenda back in January 6, 2004 and the minutes where the commission voted to sponsor the International Music Festival. She added there was some confusing that arose as the appropriate actions that could be taken.

Chair Joseph Stated she wanted to assure Ms. Oliver and the public that the Entertainment Commission had no intention to excerpt someone else intellectual property for the gain of others.

Commissioner Meko moved to approve the Cease and Desist Letter from the City Attorney's office Commissioner Leong seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Joseph, Commissioner Shlain Commissioner Leong

NOES - None

ASBENT - Commissioner Lorin & Commissioner Pred

ABSTAIN - Commissioner Alan

5. **Discussion and possible action to adopt a Statement of Incompatible Activities for the Entertainment Commission.**

Public Comment

No Public comment.

Commissioner Alan moved to continue item No. 5 to adopt a Statement of Incompatible Activities for the Entertainment Commission Commissioner Meko Seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Alan Commissioner Joseph, Commissioner Shlain Commissioner Leong

NOES - None

ASBENT - Commissioner Lorin & Commissioner Pred

Chair Joseph made a motion to reopen

general public comment.

Public Comment

No public comment.

Commissioner Alan moved to approve to

re-open general Public Comment

Commissioner Leong seconded the motion

VOTE:

AYES - Commissioner Meko, Commissioner Alan Commissioner Joseph, Commissioner Shlain Commissioner Leong

NOES - None

ASBENT - Commissioner Lorin & Commissioner Pred

Marc Bruno with the Graffiti Advisory Board stated in addition to his position on the advisory board he was vice president of Telegraph Hill Dwellers and president of the Local Chapter of St. Vincent Society. He added he appeared at a local SFPD sponsored hearing in their neighborhood on the issue of the North Beach Festival. He added how did common citizens that would be most affected by a special event have a voice in a process that was fairly ridged with the ISCOTT and some ways that were not easily accessible because of the meeting times that were required by the traffic code. He added there were no formal process with Sand Lee and an extremely ridged one with Cindy Shamban. He added he was present to ask how could they make it a better process so the decision would happen in the neighborhood. He requested that there be a stopping of the permits until ISCOTT itself agreed that the permits were not suppose to be automatic in their own code. He added if there was a festival that happened year after year it did not mean that City should not notify the neighbors.

Chair Joseph stated for many years she applied for her ISCOTT permit to close the street. She added she remembered the neighbors were notified because several occasions' neighbors came to speak and voice their concerns. She added that he should address his concerns with ISCOTT to ask them to expand their notification.

Bob Davis Stated their were opportunities when amplified sound was a part of a festival that staff did get response and they had brought those items before the commission. He added that they could raise those concerns at ISCOT.

Commissioner Alan stated it was an item that served, as part of the germination of the Entertainment Commission was the idea of bringing the street fair process and brought those people who both advocated for the street fairs and those who were impacted and bring them together to take to look at the process that had evolved over the years and what they were currently dealing with and due to staff shortage the commission had to put it a little lower on the commission's priority. He added that the commission would be receptive to finding ways to balance the impacts of entertainment in the neighborhoods.

Public comment closed.

6. Hearing and Possible Action

Regarding Applications for Permits under the Jurisdiction of the Entertainment Commission

- **a.Glikshtern, Peter, dba "Mighty," Utah Street between 15th and Alameda, Commercial Loudspeaker, Saturday Sept. 18, 2004, 8:00 P.M. - 4:00 A.M.**

Jocelyn Kane stated that the applicant was applying for a loudspeaker permit. She added that it would be an indoor-outdoor event to showcase international talent. She added because it was a fairly late request they also posted to make sure people was aware. She added that she got a reply from Mission station. She added Sgt. Rabino was present to speak on behalf of mission station and their recommendation. She added that she did not get any letters or phone calls of opposition. She added staff's recommendation was for 2:00 A.M.

Mr. Peter Glikshtern resides in San Francisco. He added that he would like to do and indoor - outdoor event. He added the location of the street they wanted to do their event on was very quiet and there was no traffic on the streets. He added that the closest residence were across 16th Street. He added based on foot traffic he added that it would not impact the residence in the area. He added they would set up the speakers in a manner to minimize exposure towards the part of the street and would be pointing the speakers towards the freeway. He added they would be installing sound curtains for each of the stages. He added that they would have tents donated by Red Bull that would also help contain the sound. He added the entirety of the block of Utah between 15th and Alameda had two other storefronts that would be closed during their event. He added they would be working with Mission station and would be hiring four 10B officers and a sergeant to help out with their own security staff. He added that the acts would be a light and video sound show and DJ acts.

Bob Davis stated that staff recommendations were pushing the envelope because it was something new and exciting.

Commissioner Meko stated that he was aware that the area was desolate and that the decision that was made it would not be setting a precedent for future years. He asked was the applicant confident that he could contain the sound that the police recommended.

Mr. Glikshtern stated that in order to help with the aspect they added the sound curtains for the stages. He added if the event went smoothly he would like to do the event a couple times a year.

Commissioner Alan stated that the applicant had originally proposed in his application to go until 4:00 A.M. and the police had recommended 12 midnight and there was a potential compromise of 2:00 A.M. He added what impacts of the arbitrary changes would have on programming.

Mr. Glikshtern stated that they would have to cut back some of the programming, he added it was the first event of this kind that he had done and was hoping for a nice even mix of over 21 and under on the street which would mean potentially mean if they had a good number of people to be able to go into the night club they could potentially expand the program on the inside of the club because they did have permits to go a little later there. He added that if they only had 400 or 500 people show up that were over 21 they would rap up the program on the street as they approached 2:00 A.M. and then would go until 4:00 A.M. inside liked they planned to and call it a night.

Commissioner Alan asked if the 2:00 A.M. considerations would continue to make it a viable event for the applicant.

Mr. Glikshtern stated he thought it would. He added that he had a clean event with no issues maybe next time he would ask for extended hours.

Commission Alan asked would he stipulate to his 10B security protocol that he outlined in his public testimony and have it to be part of his permit.

Mr. Glikshtern stated he would.

Public Comment

Sgt. Rabino stated that the 10B stipulation was an agreement with Mr. Glikshtern on it being a 12:00 A.M. shutdown so that formula would change automatically. He added the concerns that he and the captain had were that it was not a civic or cultural event it was kind of an extension of the bar having a party out in the street. He added that the applicant had a 4:00 A.M. entertainment permit that allowed him to have the music on the inside. He added the music standard at Mission station had always been closed off 12:00 A.M. He added that it would be setting a new precedent allowing it to go longer. He added that he agreed that it was an industrial area for the most part but there were residences on Bryant and Utah Street that could be adversely affected by anything that went passed 12:00 A.M. He added that the alcohol contained could be brought outside.

He added that they were concerned with any civil disobedience that may occur. He added that he addressed those concerns to Mr. Glikshtern and they were in agreement that it would be a 12:00A.M. He added it would still be their recommendation.

Commissioner Meko asked if the time were moved from 12:00 A.M. to 2:00 A.M. with regard to the 10B officers then they had to add more 10B's to the requirement.

Sgt. Rubino stated that they would have to add more 10B's he added that there main concern was that the longer it went on the longer it would be to break up a any kind of large group and they did not have the extra man power.

Commissioner Meko stated there was adequate room for traffic to come in and leave the area and would not impact traffic at that hour.

Sgt. Rubino stated that it would not impact traffic.

Commissioner Alan stated it was his understanding that the alcohol involved in the event would be confined to the interior space so it would be the responsibility of club security to make sure that the alcohol did not leave the premises.

Sgt. Rubino stated that was correct and great in theory but was it really going to be of help. He added there would be a lot of people going in and out and it would be hard to believe that for the amount of people that would attend people would not attempt to take alcohol on the outside.

Commissioner Alan stated that a stipulation on the permit insisting that club security not allow patrons to exit with alcohol in their procession during the event.

Sgt. Rubino stated that if the Commission would allow the event to go until 2:00 A.M. and he would have to be concerned about the alcohol leaving the premises then he would also have to stipulate to call ABC to be on hand at the event for any violations.

Commissioner Alan stated that given the applicant's huge hammer over his head he would be remise in not having lots of people at the door to make sure that did not happen. He added they were not in a position to prejudge in other to look at the applicant's track record and he was not aware that the applicant had that problem with any of his other establishments.

Sgt. Rubino stated that the track record was not based on him having the event before.

Commissioner Alan stated that one of the Commission's task were to find ways to use

City property for the advancement of entertainment and could demonstrated that it would be impacted to transportation and neighbors. He added he wanted to know were the concerns lied so if the Commission tool action one way or the other they would make sure to build in the Police department's concerns in the conditions so that the commission would feel they were partners in granting the permit.

Commissioner **Leong** stated the only issue he had was why staff was changing the agreement that the applicant had with the police department.

Sgt. Rubino stated that was the reason he was present because up until four days ago the agreement was until 12:00 A.M. until he got the bulletin indicated the event would go until 4:00 A.M. He added it could have been a stipulation on it originally.

Jocelyn Kane stated that if the applicant after applying to the Entertainment Commission for a loudspeaker permit made an agreement with the police department it did not change the applications as it moved forward with the process to the commission.

She added that staff did not change anything they were looking at the application as it came to staff.

Sgt. Rubino stated that his job as an event coordinator was to meet people and address his concerns. He added that he walked away with that agreement of 12:00 A.M. He added someone came to the committee and advocates they wanted it until 4:00 A.M. He added that anyone could come to the commission and ask for an event until 4:00 A.M. and pushing the envelope knowing they could get it for 2:00 A.M.

Commissioner **Meko** stated that track record had a lot to do with whether they had the event previously. He added a previous applicant that had a lot of difficulties living up to the obligations on his current permit and he came to the Commission seeking to expand on his permit and the Commission chose to continue the item to the call of the chair. He added that the Commission did look at how the applicant behaved. He asked to his knowledge had there been problems since Mighty was operating.

Sgt. Rabino stated not that he was aware of he had not researched it and could not say.

Commissioner Alan asked had the ISCOTT hearing process occurred. He asked what the roll the Police department played in the ISCOTT process and would they overrule the decision in light of other evidence.

Sgt. Rubino stated it was for the first week of September. He added that normally did not overrule but did not mean the process could not go to the board.

Commissioner Shlain asked did Sgt. Rubino get a written statement for the event to end at 12:00 Midnight.

Mr. Glikshtern stated that it was not an agreement of his and it was a misfortunate misunderstanding. He added he meet with Sgt. Rubino. He added that Officer Thoma stated that he should talk to Sgt. Rubino. He added that Sgt. Rubino stated that they always recommended 12:00 Midnight and that's what he went with.

Mark Rennie stated that when he listen to the testimony of the applicant and the police department he thought of New Orleans, and Las Vegas, with people with drinks in their hand walking and having a party. He added San Francisco 25, 35, 45 years ago was that same kind of magnet. He added that he drove around 1:00 A.M. Saturday night and was shocked how dead San Francisco was. He added that unfortunately entertainment and tourism and entertainment was the number industry and pushing the envelope was a good thing and that the City needed something.

Mr. John Wood with the SFLNC stated he added it was natural for the police to want to take a conservative position. He added that there were very few events for youth in San Francisco. He added that he was aware that there were events in the Castro that went until 2:00 A.M. He added that he encouraged the commission to give the event a try and if it didn't work then they could not do it again in the future. He added if they say it might go bad so they can't try anything, then they would never try anything. He added that he would encourage the commission to develop a workable compromise.

Public comment closed.

Commissioner Alan moved to approve until 2:00 A.M. with the conditions of the four 10B officers plus additional house security to insure that alcohol assumption remain indoors and whatever conditions applied by ISCOTT be retroactive applied to the permit.

Commissioner Shlain stated as a representative of the neighborhoods that it was an area were there were not a lot of neighbors and given the lack of neighbors he was in favor for the event to go until 2:00 A.M. He added if there were any police problems the commission would hear about it and thought they give it a try and try to promote some entertainment in the city.

Commissioner Alan moved to approve to make it a conditional grant pending the final approval by ISCOTT to go until 2:00 A.M. Commissioner Meko second the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Shlain

Commissioner Alan, Commissioner Leong

NOES - None

ASBENT - Commissioner Lorin & Commissioner Pred

ABSTAIN - Commissioner Joseph

b. Goodman, Keith, dba "The Cellar," 685 Sutter Street, Place of Entertainment.

Jocelyn stated that the applicant planned to be open from 5:00 P.M. to 2:00 A.M. She added there were approval from planning and company A with conditions. She added there were letters of opposition in the file and the applicant agreed with the conditions and staff recommended a conditional grant.

Mr. Keith Goodman stated that they were asking for a conditional grant because they still need Health, Fire and Noise abatement. He added that it was a nightclub that had been there for 18 years and he recently purchased the building and they were looking to reopen.

Commissioner Leong asked had he met with the neighbors and what was the result of the meeting.

Mr. Goodman stated that he did and they have never had any problems and has been very positive with all their neighbors.

Commissioner Meko asked if that applicant had any problems with the conditions. He added that the applicant should have a cell phone number to respond to complaint.

Mr. Keith Goodman stated that he had a problem with no smoking he added that the patrons would be outside smoking down the block and there were no residences and they have never had an issue in the past.

Commissioner Meko asked did the applicant have a specific place for the patrons to smoke other than just outside on the sidewalk.

Mr. Keith Goodman stated that outside in front of the Olympic Club parking garage next door had a commercial building on the other side.

Commissioner Meko stated that the conditions were similar to the conditions that the Commission granted on the permits. He added that the specifically stated that anytime they had patrons on the sidewalk that they provide security. He added that they required a person of authority with a cell phone that they made available to all the surrounding residence.

Public Comment

No public comment

Commissioner Leong moved to conditionally approve with the conditions of security outside and the use of a cell phones for surrounding neighbors

Commissioner Meko second the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Joseph, Commissioner Shlain Commissioner Alan, Commissioner Leong

NOES - None

ASBENT - Commissioner Lorin & Commissioner Pred

c. Amin, Saied, dba "Benvenutti," 4704 Mission Street, Place of Entertainment.

Bob Davis stated that the applicant had approval from planning and an approval from Ingleside station. He added there were no negative letters and had letters from the neighborhood commercial district and the Excelsior Improvement Association. He added that the applicant has met with staff and staff recommended conditionally granting it

Mr. Siad Amin is the owner of the Benvenutti restaurant. He added he would like to add entertainment at night.

Commissioner Alan stated that he would like to share his experience that the applicant would be entering into when he added entertainment to the mix of food. He added that his responsibilities as a business owner would be expanded considerably. He added that he would now have to make sure his entertainment was conducive to what his patrons wanted and more importantly that the impacts that he might generate from increasing his business to make it more lively and active he had to keep his eye on the impact that it created for the neighborhood. He added that he should maintain good communication with the neighbors.

Mr. Siad stated that they have their security in tact, and not have smoking in front of the venue.

Public Comment

Mr. Tom Murphy resides in Oakland. He added that he's been to the Benvenutti on several occasions and they e ran the business very well. He added it was something that was needed for the neighborhood and he highly recommend they get their permit.

Public comment closed.

Commissioner Meko stated that the Entertainment Commission automatically attached the Good Neighbor Policy to all the permits.

Commissioner Meko moved to conditionally approve

Commissioner Shlain the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Joseph, Commissioner Shlain Commissioner Alan, Commissioner Leong

NOES - None

ASBENT - Commissioner Lorin & Commissioner Pred

d. Shinzato, Julio dba "Fina Estampa Restaurant," 1100 Van Ness Ave., Place of Entertainment.

Mr. Davis stated that the applicant had been present before and it was suggested that the applicant go through staff and apply for a POE. He added that the application had received approval from planning and Northern station with conditions and staff recommend to conditionally approving the application.

Commissioner Joseph stated was the applicant aware that planning had put arestriction on him that his POE permit would only be permitted on the first floor or a floor below the first floor of his establishment. She added they had a noise restriction. She asked if the applicant intended having entertainment on the first floor. She added what type of entertainment would he have at his establishment.

Mr. Juilo Shinzato stated he did not intend on having entertainment on the first floor. He added they would have music.

Commissioner Meko asked staff in line with the ruling by planning anytime entertainment was provided would the applicant have to close off the mezzanine.

Mr. Davis stated that it was a standard condition that was imposed on the previous POE, which was a Latin club. He added they did not have to close it off they could not have entertainment above.

Public Comment

No Public Comment

Commissioner Leong moved to conditionally approve

Commissioner Shlain the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Joseph, Commissioner Shlain Commissioner Alan, Commissioner Leong

NOES - None

ASBENT - Commissioner Lorin & Commissioner Pred

e. Ross, Jeff dba "San Francisco Independent Film Festival," One Night Dance Alexandria Theatre at Geary and 18th Avenue, October 29, 2004 8:00 P.M. - 2:00 A.M.

Jocelyn Kane stated it was an application for a one-night dance permit. She added that the applicant wanted to introduce something they wanted to do and he had the opportunity to use the now closed Alexandra movie theatre to do more than just show films. She added there was a place of assembly. She added that in processing the applicants they sent the one night dance to the Richmond station, and they replied with disapproval based on there was no POE permit. She added that staff recommended approval shoeing that the venue shows them the valid occupancy and if they were going to serve liquor that they have their ABC license.

Mr. Jeff Ross director of the San Francisco Film Festival he stated they would like to continue to show movies and use it for live theatre and live events, for dance music and DJ's. He added that they came to the Commission because they did not know were to start he was afraid to apply for a POE because it may cause planning to determine it was a change of use for the building and they would not be able to do anything. He added that if they could continue to use it as a movie house or cause it to be a live music venue or an occasional concert hall that would make their project move forward.

Commissioner Joseph stated that the International Independent Festival in New York stated it was an enormous success for backing the industry. She added that it brought lots of people to town and lots of revenue into New York City. She added it would be

wonderful to have an Independent Film Festival in San Francisco. She added for artistic and economic reasons for the city of San Francisco it would be wonderful. She added she was in support but the Entertainment Commission had no control over the liquor license.

Commissioner Meko asked was the seating still in place.

Mr. Ross stated that there was no seating in the theatre and they would have to reinstall seating upstairs. He added that he was not aware of were to go.

Commissioner Meko stated that he had a change of use already.

Mr. Ross stated that would be showing movies and would be continuing to run the space that had always been. He asked if they wanted to do live entertainment was it a change of use.

Commissioner Leong asked how often they planned to serve liquor.

Mr. Ross stated he added that they would like to do one to two large events a month and would not like to do all of the events with liquor because it was not their mission statement.

Commissioner Leong stated that he asked because he wanted to know would it affect the neighbors. He added that even though it was commercial corridor and he had some concerns about the response of the neighborhood and what they would perceive would happen.

Commissioner Alan stated that that the applicant was on the edge of change and to have the experience of trying to move forward an idea where the system that he lived in doesn't want him to change. He added the single screen movie theatre's were closing up all over San Francisco and there were many people around with lots of ideas on how to revitalize them and so far the only ones that were able to go forward were turning them into live work lofts. He added that it would be a shame if all of the theatres were converted in that way and lost the resources of communities gathering together to celebrate. He proposed that since the commission would consider something that was not going to be a permanent place of entertainment license but something that was going to be used as a vehicle for the commission to move into an area the commission did not have history in. He added the concerns of the commission was what they did was to not bring impacts to the neighborhood that would spend out of control. He added that he had to reach out to the neighbors and as he moved forward people would be in support.

Commissioner Joseph asked because they were going to do a dance would they also show a movie. She added did the applicant know what the soundproofing was like in the Alexandra was.

Mr. Ross stated that the walls were very thick and they had not had a sound test done. He added that they would maintain the sound within the building.

Commissioner Meko stated that there was a ballot initiative on the November ballet to preserve the neighborhood theatres. He added that unfortunately the commission was tangled up in the fact that the applicant was doing entirely different uses for the location and that's why the process for the applicant to get approval from building inspection, fire, electrical and noise abatement and none of it was included in the process that was before the Commission today. He added that unfortunately it put the Commission in the position of potentially approving an event that was not suited for the space and the Commission could not rely on the applicant because the burden would fall on the Commission and upon the city. He added he was in support of the applicant but didn't know how the Commission would work through a space that was meant to be a movie theatre and the seats were torn out.

Public Comment

Captain O'Neil with the San Francisco Police department stated permit officer Connolly was on vacation. He added that the station recommended disapproval, because they had no POE and lack of an ABC license. He added that the concerns echoed those of commissioner Leong.

Mr. John Wood with the SFLNC stated one night events have been happening in San Francisco forever, and didn't require changes of use and they didn't require going through planning. He added they have been done at the Port, Treasure Island, South of Market and he had done them before at SOMAR gallery himself before the building was permitted. He added that the venue had an occupancy permit of a place of assembly. He added there was not a process that established what the rules would be. He added there were no regulations written into the code for a one-night dance permit. He added that it was a very residential neighborhood and noise and parking were the big issues giving that it was a one time event it could be tried and if was not suitable for the neighborhood then future permits could be denied.

Public Comment closed.

Commissioner Alan stated he would like to make a motion to approve the application conditioned upon the receipt of the public assembly permit and a plan for the event itself, which would outline security and the impacts that might be generated by the crowds that might attend the event to be adequately address by the Commission. He added that he would like to see it go forward.

Chair Joseph stated the motion failed because lack of a second. She added was there a different motion on the item.

Commissioner Leong moved to disapprove. He added that he did support the event but thought it came before the commission a little prematurely. He added that if the Commission voted on it he still had some discomfort about the alcohol issue at the Alexander Theatre and the surrounding neighbors.

Commissioner Meko stated unfortunately what the Commission was doing was a back

Door approach to change of use and change of use already had an established protocol, which was a 312 notification. He added that he was opposed.

Chair Joseph stated that a onetime event in any location was a change of use. She added if was repeated it might be.

Commissioner Alan moved to continue the item until the Commissions could satisfy the concerns addressed by the Commission Commissioner Shlain the motion.

VOTE:

AYES - ***Commissioner Joseph, Commissioner Shlain***

Commissioner Alan, Commissioner Leong

NOES - ***Commissioner Meko***

ASBENT - ***Commissioner Lorin & Commissioner Pred***

Discussion and possible action to ratify or to ratify with conditions, the Place of Entertainment permit issued to McVeigh, Terrance, dba "The Chieftain Irish Pub," at 198 5th Street, that was issued in error for failure to hold a public hearing as required by SF Police Code Sec. 1060.5

Bob Davis stated that the next item on the agenda was somewhat complicated. He added that the motion was to ratify with conditions the POE permit that had

previously been issued to Terrance McVeigh dba, the Chieftain. He added the POE applied for when the police department was still handling POE a hearing was set up and there was no notice in the records that a hearing had not been held. The recommendations from the prescient included a positive recommendation and there had been a sound test done by the police department. He added staff did not know that a hearing had not been held when the planning approved it staff issued a POE and it was brought to the attention of staff that a hearing had never been a held. He added that staff checked with the city attorney's hence to the language. He added that there were some issues with several neighbors, and reposted to further alert the neighbors that there would be a hearing held. He added staff's recommendation was

to ratify the POE. He added that it enadvertally slipped between the cracks with the transition of the police department.

Public Comment

Mr. Vincent Wilson lives above the Chieftain. He added that he predate the Chieftain back to when it was the M&M Tavern as do all the tenants except for two that were listed on the affidavit saying that they did not want the entertainment to go forward. He added Mr. Davis was incorrect and the planning department denied the permit and it went to appeal November and the appeal was won. He added Mr. Alan mistakenly gave them the permit without out them having their public form meeting. He added that he brought it up because they started having entertainment and they called them continually asking them to turn down the music and the police had been called at least a half dozen times.

He added that they have broken the 5013C policy repeatedly and they also broke their liquor license by having people go outside and drinking on the sidewalk. He added that he had letters from three of the tenants that lived there and pictures proving that they did not clean up around the venue. He added that patrons were urinating on their doorways. He added that as of last Saturday night he had to call the police because they were being a public nuisance.

Commissioner Alan asked the applicant to repeat what he stated he allegedly did.

Mr. Vincent stated that after the appeal was heard by the planning department over denied them the POE they won the appeal. He asked Jocelyn how did the Entertainment Commission present them a permit without going through the public access and have a public meeting. He added Jocelyn Kane told him that Mr. Alan had been hand holding the Chieftain through their process and he gave him the paper work was told by Mr. Alan to give them the permit.

Commissioner Alan stated the reality was all of the permits that were granted by

either the police department prior to the formation of the Entertainment Commission or the Entertainment Commission now going forward were predicated upon whether or not the land allowed for the proposed use. He added were the error occurred was that the police no longer were holding the hearing it was the assumption of staff that the hearing had been held. He added that staff found out later through the protest that the police had continued it pending the outcome of planning and the board of appeals decision. He added it was oversight because there was no way he had the power to direct staff to grant a permit without a public hearing. He added that it was very important for the record to reflect that it did not happen the way Mr. Vincent stated it did.

Mr. Mark Nagleon stated that communication was vital to any kind of relationship for it to work. He added that he would meet people half way. He added that he got their entertainment license and gave a copy to the residents and in the letter he gave his cell and pager phone number. He added received a couple of calls from one person named Marsha Stevens. He added that they would communicate with each other if there were problems and he would resolve it. He added that he had no communication with Mr. McVeigh and has never seen he had never approached him before and management if there was anything they could do they would have been happy to do it. He added the last thing they wanted to have happen was to have their neighbors upset. He added that they would discontinue talent and Hip Hop events and they would typically play Irish music. He added that they were fair and reasonable and wanted to meet with their neighbors.

Mr. Terry McVeigh stated that he has worked with the neighbors. He added that when police came in they abided by the laws. He added that they treated their neighbors with the respect.

Chair Joseph stated that he was responsible

For any instruction he gave his employees whether they follow them or not.

Mr. James Santos resides in San Francisco above the Chieftain. He added that he encourages small business success and improvement, however businesses need to take responsibility for the actions of their patron inside and outside of the building.

Mr. Paul McVeigh is the manager of the Chieftain and resides in San Francisco. He added that he agreed about the communication between management; staff the owner of the Chieftain as well as the tenants. He added that he has been the manager for six months and had not heard any complaints from the tenants personally. He added that he gave the neighbors and gave his personal cell phone number. He added that they wanted to work with the neighbors. He added that he met with the landlord of the property trying to resolve the issues.

Commissioner Meko asked the applicant was he the manager on duty when they had the Hip Hop event and they brought in their own sound system in. He added one the permit one stipulations was all amplified sound was to be furnished through their own in house sound system.

Mr. McVeigh stated he was not on duty at the time and he was not aware of the sound stipulations at the time.

Commissioner Leong asked what was the result of the sound system and did they plan to go upstairs.

Mr. McVeigh stated that there were some problems and they were checking into the sound system. He added that they did test it upstairs.

Public Comment closed.

Commissioner Alan stated that he would like to move to ratify the permit with one condition to add the normal conditions that include the Good Neighbor Policy and the cell phone and no noise audible. He added that he would like to bring forward a gesture to concerned neighbors that have appeared in front of the commission for The Chieftain to have a second sound test so that the Entertainment Commission could have independent verification that they were incompliance.

Commissioner Meko offered a friendly amendment that the additional conditions that Entertainment Commission developed regarding security to be provided.

Commissioner Alan accepted the friendly amendment.

Commissioner Alan moved to ratify with conditions the Entertainment Commission Good Neighbor Policy to the Cheiftain Commissioner Meko the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Joseph, Commissioner Shlain

Commissioner Alan, Commissioner Leong

NOES - None

ASBENT - Commissioner Lorin & Commissioner Pred

Public Comment closed.

- **7. EXECUTIVE DIRECTOR'S REPORT**

Bob Davis reported the following:

- Office Space waiting for the exterior on the office space to come back.
- Legislation was coming up soon for the Hearing for Schrods Law, the other legislation would be Supervisor Peskins working on would be Street musicians legislation,
- Bob Davis stated that the Board of Supervisors finally approved the budget. He added that position for 1840 had to have special conditions attached and was not ready for posting

8. REPORT FROM THE EVENTS COMMITTEE

Nothing to report.

- **9.REPORT FROM EXECUTIVE COMMITTEE**

Nothing to report the meeting was cancelled.

10. REPORT FROM THE LEGISLATIVE COMMITTEE

Chair Joseph stated they met but did not have three Commissioners so they did not elect a chair and had discussion on Shcrod's Law and Prevailing Wage and the special hearing would be on September 14, 2004 at 6:00 P.M. in room 406. She added that the Prevailing Wage would affect anyone that did stage handwork.

Public Comment

No public comment

11. COMMISSIONER COMMENTS & QUESTIONS

Commissioner Shlain stated there had been a couple of missteps and he thought it was more of a learning curve than anything intentional. He added that the Entertainment Commission created from the energy of John Wood and Terrance Alan was now the commission of the people. He added that he came to represent the people at large as well as the industry and thought the Entertainment Commission could do a lot of good things for people and for entertainment industry at large.

Chair Joseph stated they were working on developing a questionnaire that will go out to the industry and hold hearings as a Commission on the state of the industry. She added that Janet Jackson did perform in San Jose but did stay in San Francisco and she should have performed in San Francisco.

Public Comment

No public comment.

12. DISCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETINGS

No items to add to the agenda.

13. ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at 7:53 P.M.

Respectfully submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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NOTICE OF CANCELLATION

SAN FRANCISCO ENTERTAINMENT COMMISSION

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Regular Meeting for

Tuesday,

September 7, 2004

NOTICE IS HEREBY GIVEN that the Regular Meetings of the San Francisco Entertainment Commission for *Tuesday, September 7, 2004 has* been canceled. The next Regular Meeting of the Entertainment Commission will be held on *Tuesday, September 21, 2004.*

Crystal Stewart
Commission Secretary

ENTERTAINMENT COMMISSION ROSTER
PRESIDENT AUDREY JOSEPH, COMMISSIONER TERRANCE ALAN
COMMISSIONER JORDAN SHLAIN, COMMISSIONER JIM MEKO, COMMISSIONER BRUCE LORIN
COMMISSIONER JOSEPH PRED AND COMMISSIONER BOWMAN LEONG

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, September 21, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1. Call to Order and Roll Call.

2. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

3. Review and approve minutes of Regular Entertainment Commission meeting of August 3, and August 17, 2004. **[Action Item]**

4. President's Report.

5. <u>CONSENT CALENDAR</u>

All matters listed hereunder constitute a consent agenda, are considered to be routine by the entertainment commission and will be acted upon by a single vote of the commission. There will be no separate discussion of these items unless a member of the commission or the public so requests, in which event the matter shall be removed from the consent agenda and considered as a separate item. **[Action Item]**

a) **Natali, Leslie dba, "The Detour" at 2348 Market Street, for a Place of Entertainment.**

b) **Hagele, Michael J., dba, "Cigar Bar and Restaurant," 850 Montgomery St., Place of Entertainment.**

c) **Abderrezak, Messaoudi, dba, "Pronto Pizza & Espresso," 798 Eddy Street, Extended Hours Premises.**

d) **Ho, Yuen Wah, dba, "Meriwah Restaurant," 728 Pacific Ave., Place of Entertainment.**

e) **Mendoza, Francis dba "Tip Top Club" 3776 Mission Street, Billiard Parlor.**

f) **Melnikov, Dmitry, dba, "Magic Grill Restaurant," 83 Eddy Street, Place of Entertainment.**

6. **CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item on this calendar or to hear the item on another date.

a) **Murray, Spencer, & Hadan, Amy, dba "Argus Lounge," 3187 Mission Street, Place of Entertainment.'**

b) **Davis, Jonathan, Martin, Liam & Bryce, Cameron, dba "Benders Bar," 806 South Van Ness, Place of Entertainment.**

c) **Simonici-Sarmiento, Lynne, dba "Spitfire Rose," 1790 San Jose Ave., Place of Entertainment.**

7. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

a) **Benn, Eric & Macaire, Eric, dba "Bubble Lounge," 714 Montgomery St., Extended Hours Premises Permit.**

b) **Maxwell, Lacy, dba "Lacy Maxwell Productions, LLC" Treasure Island Great Lawn, Loudspeaker/Itinerant Show - Saturday, October 2, 2004, 5:00 P.M. – 11:30 P.M.**

8. Commissioner Comments and Questions.

9. Report from Executive Director. (Bob Davis, Executive Director) Reporting on the status of:

- Status of pending legislation
- Budget report
- Office space
- New hire

10. Report from Legislative Committee. (Bowman Leong, Chair)

11. Report from Executive Committee. (Jordan Shlain, Chair)

12. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

13. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room *406* is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, October 5, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

1. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

2. Review and approve minutes of Regular Entertainment Commission meeting of August 17, and September 21, 2004. **[Action Item]**

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

a) **Bosco, Robert dba, "450 Broadway" 450 Broadway, Place of Entertainment.**

b) **Abderrezak, Messaoudi, dba, "Pronto Pizza & Espresso," 798 Eddy Street, Extended Hours Premises.**

c) **Lee, Mike dba, "Capella" 270 14th Street, Place of Entertainment.**

4. Commissioner Comments and Questions.

5. Report from Executive Director. (Bob Davis, Executive Director) Reporting on the status of:

   - Status of pending legislation
   - Budget report
   - Office space
   - New hire

6. Report from Legislative Committee. (Bowman Leong, Chair)

7. Report from Executive Committee. (Jordan Shlain, Chair)

8. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

City and County of San Francisco
Entertainment Commission

October 05, 2004

MINUTES OF THE

October 5, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Terrance Alan, Chair

Audrey Joseph

Bruce Lorin

Jim Meko

Joseph Pred

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:10 PM

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Audrey Joseph, Jim Meko, and Bruce Lorin and Joseph Pred.

Absent were, Bowman Leong & Jordan Shlain.

Staff present were, Robert Davis, Jocelyn Kane and Crystal Stewart.

2. PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the agenda.

John Wood thanked the Commission with their help on the Love Parade. He added with the proper sponsorship the event would grow into a major event

Mark Renee stated he wanted to thank Bob Davis and Jocelyn help with the Madrone

Lounge.

Barry Taranto stated there were thousands of people at the Love Parade and several cabs available after the parties. He added they were the type of events the commission should promote. He added that 18th and Church taxi stop for Halloween in the Castro would not work. He added that 19th Street would work if there were a designated sign. He added that 16th and Castro would be a good location.

3. REVIEW AND

APPROVAL OF MINUTES

Public Comment

No Public comment.

Commissioner Meko moved to continue the Minutes of the August 17, regular Meeting of the Entertainment Commission; Commissioner Pred seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin & Commissioner Joseph,

NOES - None

ABSENT- Commissioner Leong & Commissioner Shlain

ABSTAIN - Commissioner Pred

Public Comment

No Public comment.

C ommissioner Lorin moved to approve the Minutes of the September 21, regular Meeting of the Entertainment Commission;

Commissioner Pred seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Lorin, Commissioner Joseph, Commissioner Pred,

NOES - None

ABSENT- Commissioner Leong & Commissioner Shlain

ABSTAIN - Commissioner Alan

- **Bosco, Robert dba, "450 Broadway" 450 Broadway, Place of Entertainment.**

Jocelyn Kane stated the application was turned in on August 31, 2004, to provide entertainment in a three-story location that use to be Brandy Ho's. She added the applicant had a type 41 Liquor license pending and Planning was requiring a 312 notification at the location. She added that she received Central station conditions and staff recommendation based on previous recommendation was to continue the item to the call of the chair since there was no response from Planning.

Mark Renee stated he represented the applicant at 450 Broadway. He added Stated that he wanted to orally amend the application based on a recent ruling by the city attorney. He added that it the client was a neighborhood person and wanted to open an art studio with poetry and comedy. He added that his client had several contacts with the Telegraph Hill Association and sent out letters to all residents and business owners within a hundred feet. He added that that prior in the 1970's the venue had a place of entertainment he added there was no record at the Planning Department to show there was a change of use. He added that he requested the commission to conditionally grant the permit subject to the conditions placed on the applications by Planning.

Commissioner Meko asked apparently had they had surrendered the use at some point and if there was a valid Place of entertainment at permit at the location. He added why the planning required a 312 notification.

Mark Renee stated he was asking for a conditional grant to save his client the extra hassle.

Commissioner Meko stated he was trying to understand why Planning required the 312 notification in his client's case. He added generally the answer was they surrendered the use for a period of three years.

Mark Renee stated his client asked him to come forward with a legal usage within the last three years and had no problem with the 312 notifications.

Commissioner Meko stated the reason the commission had taken the position on numerous occasions regarding continuing the items if 312 was required was because as the City Attorney had told the Commission it would give the appearance of taking sides when the issue would come before the Planning Commission. He added that staff had advised him as soon as the 312 was completed they could calendar the item.

Mark Renee stated for conditional use it would be clear, but it was a Broadway neighborhood commercial district a principle permitted use other entertainment on the first and second floor and sub terrarium. He added it was something that if the notification went out after 30 days and no one had paid any money and asked for a review by the Planning Commission it would be automatically granted and would take extraordinary circumstances to say why the usage which was approved by the Planning Commission as principle permitted use should not apply to the particular location.

Commissioner Meko asked Mr. Bosco

on his application neighborhood contacts he listed Officer Fred Crisp and the San Francisco Late Night Coalition. He added that Officer Fred Crisp was a member of he city Bureaucracy and the San Francisco Late Night Coalition was an advocacy group working to promote nighttime entertainment. He added he was glad that he contacted the Telegraph Hill Dweller's Association.

Mark Renee stated that those were the people they had also talked to and they had contact with Supervisor Aaron Peskin who was very much in favor of the project.

Commissioner Alan asked Mr. Renee to describe the proposed use of the Building floor by floor.

Mark Renee stated the top unit was vacant and would be used as residential space. He added below was a second story usage that now had a kitchen. He added the building would be rehabbed to open up some of the spaces. He added there would be theatre stages on the first and second floor of the building.

Mr. Bosco stated the basement would be part of the restaurant facilities. He added that it took two months of renovations. He added the whole place needed a lot of

work.

Commissioner Alan stated the purpose of his question was to identify for the fellow commissioners was his intended use for Mr. Renee's client did not change the permitted use under the planning code. He added that he wanted clarify that the penthouse would remain residential and would not be incorporated into the commercial use and was not clear in his application.

Commissioner Alan stated they had a philosophical difference amongst the commissioners on the particular item, but here they had in his opinion a very clear and consist and continuing operation where the opinion was handed down by the City Attorney that the commission could conditionally grant a permit prior to it being heard at Planning. He added that it was a classic example of why the commission should do it. He added the use was not being changed. He added there was no comment from the public or letters of opposition and saw no reason for making the process more complicated.

Commissioner Meko stated if the mandate for the commission was to solely make things easy for the entertainment industry to open new venues that would be the case but it was not the sole mandate of the commission. He added that the commission was also mandated to ensure the neighbors had an equal voice in the matter. He added seeing that there was a neighborhood notification pending he felt it would be a matter of the commission taking sides in the issue. He added it would put no undo hardship on the applicant once the 312 process had run its course staff indicated they would calendar it. He added it was a bad precedent for the commission to interrupt the planning process when there was no harm to the applicant.

Commissioner Lorin stated he disagreed with the continuance on the application as Commissioner Alan pointed out there was no opposition from the neighbors. He added the whole idea of the 312 notifications was it would go out to the neighbors. He added the commission was not dictated to by planning the commission post as they normally would and had for years and years and gave the neighbors advance warning to come before the commission and make their position known. He added that it was on Broadway and clearly an entertainment zone. He added one of the mandates was to make it a little more user friendly.

Commissioner Pred stated he was duly swayed by compelling arguments.

Public Comment

No public comment.

Commissioner Meko moved to continue the item to the call of the chair

Commissioner Pred seconded the motion.

VOTE:

AYES - Commissioner Meko

NOES - Commissioner Lorin, Commissioner, Commissioner Joseph, Commissioner Pred & Commissioner Alan

ABSENT- Commissioner Leong & Commissioner Shlain

Public Comment

John Wood with the SFLNC commended the commission on taking the position and not locking themselves into a stance that created additional burden for the applicant that had to come back, pay their lawyer to come back and postpone work being done on the building.

Public comment closed.

Commissioner Alan moved to conditionally grant the application with the conditions of the Good Neighbor Policy Commissioner Lorin seconded the motion with the conditions that were recommended by Police department and Planning

VOTE:

AYES - Commissioner Lorin, Commissioner Joseph, Commissioner Pred & Commissioner Alan

NOES - Commissioner Meko

ABSENT- Commissioner Leong & Commissioner Shlain

ABSTAIN -

- Abderrezak, Messaoudi, dba, "Pronto Pizza & Espresso," 798 Eddy Street, Extended Hours Premises.

Bob Davis stated the item was previously heard from the commission on September 21, 2004 and was continued. He added Northern station has recommended a 6-month trial period for issues surrounding public safety. He added staff request 6-month trail period be imposed and at the end the trail period if Northern station had not come back to staff with anything in writing specific to the address then the permit would roll over and become permanent.

Commissioner Lorin stated he did not think it was legal.

Bob Davis stated the City attorney reviewed all of the minutes and came back with the decision that it was not illegal. He added the city attorney stated that the commission could condition what they wanted to.

Commissioner Alan stated he agreed with the comments of staff that the commission could impose a condition even one that had a time trigger built in.

Mr. Messaoudi Abderrezak stated the officer asked him to wait for 6 months and was present to discuss the officer's position and see his safety issues. He added that he was asking for two extra hours. He added he was surprised it was an issue to be discussed.

Bob Davis stated the issue was whether crowds would congregate after bars began to close and what kind of activity would exist on the street was a concern. He added that officer Gallagher issue of public safety warrant's staff's careful consideration and concerns.

Lt. Schlotz stated she talked to officer Gallagher and he wanted to note and he felt they had given their approval with the conditions that Mr. Davis mentioned and they were sited one year ago and there was some concern. She added there had been drug dealers outside the venue although the area was questionable area and there were concerns but there weren't any opposition's by the neighbors and they neighbors liked them and want them to be able to have it and felt that they had done a good job.

Chair Joseph stated the applicant did not have to wait 6 months if the commission granted it he could go after hours immediately as long as he meet the other conditions.

Mr. Messaoudi Abderrezak stated his application had been dragging for a long time. He added he was looking for assurances.

Commissioner Alan stated he would give the applicant assurance. He added the applicant made his application in July 31, 2003 and could understand his frustration. He added what was being offered to the applicant was an opportunity for him to receive his extended hours premise license and continue to have the licenses as long as he owned the business as long as he did his part. He added the city was asking him not to become an attractive nuisance.

Commissioner Pred stated that the safe harbor laws should be applied.

Commissioner Lorin stated it was limited to medical. He added it was a fabulous tool but should be used as seldom as possible. He added in this case it was ideal because it would not cost the applicant extra money. He added he was familiar with the area and the crime rate.

Public Comment

John Wood stated he was glad Commissioner Lorin stated what he did because it troubled him and the precedent it set. He added that he thought it was not legal, he added would the commission be giving them a conditional grant or a place of entertainment? He added the commission would then have to take it away by holding a public hearing. He added the purpose of the public hearing was to analysis the mitigating circumstances that may be there.

Public comment closed.

Commissioner Alan stated they move to approve and make the 6-month condition that in response to the commission requirement that taking away someone's privilege would be done with due process. He added were to go into a situation were the commission was not automatically renewing it. He added through guidance of the city attorney the commission would be able to point to a fair adjudication of the case as oppose to a piece of paper saying it was a problem and therefore they would not going roll it into permit extended hours premises license. He added in making his motion he was trying to create a process that would protect the applicant and the commission.

Commissioner Lorin stated in order to do it legally they should issue the permit for 6-

months. He added it should be a trigger if there was no opposition by the police department or the commission at the end of the 6-months that it is issued permanently.

Bob Davis stated staff was asking for a conditional grant and they were not asking the condition would be for today. He added on the date all the other conditions were met the 6-month period would begin. He added if there were no incidents or reports from the police the conditions would be met and the permit would be granted permanently otherwise it would come back to the commission for a rehearing.

Commissioner Pred asked Bob to explain the difference between regular conditional permit and what the commission was doing.

Bob Davis stated the difference was could the commission impose specific conditions. He added how they would enforce the condition if the permit were granted because the permit last as long as the business.

Commissioner Alan stated he wanted to grant the permit and at the end of a six month period if the commission did not receive incidents from the San Francisco Police department incidents attributable to the location the permit would be made permanent if they received incidents from the San Francisco Police department attributable to the location the commission would hold a duly noticed public hearing on the issue to suspend and or revoke the permit.

Commissioner Lorin stated there should be a procedure at the end of the 6-months if there was an action against the premises the permit could not be utilize during that period of debate in front of the commission.

Commissioner Alan stated he was hesisatant to make the trigger automatic. He added he would agree the hearing must be held within 30 days or their permit would be suspended pending the outcome of the hearing.

Commissioner Lorin stated they should have the 30 days. He added Northern station obviously had concerns and had never asked for anything like this before and he took it extremely serious.

Commissioner Pred stated he was concerned the commission was walking into a minefield by setting policy and a somewhat arbitrary fashion. He added that it would be worthy of discussion that before the commission embarked on a potentially

precedent setting decision the commission should talk about what the triggers were for such a time based limitation.

Commissioner Alan stated that his motion clarified it and they were all in agreement if there was loss of life the commission would not be in remise to allow it to move forward and the 30 day window would give all parties the opportunity.

Chair Joseph thought the item should be put on the agenda.

Commissioner Alan moved to conditionally grant the permit with the condition in 6-months if there were no incidents reports written by the SFPD attributable to the address the permit would be made permanent and if there were incidents attributable to the address the Commission would hold a hearing.

Commissioner Meko seconded

the motion.

VOTE:

AYES- Commissioner Joseph, Commissioner Pred, Commissioner Lorin, Commissioner Meko and Commissioner Alan

NOES- None

ABSENT- Commissioner Shlain & Commissioner Leong

- c)Lee, Mike dba, "Capella" 270 14th Street, Place of Entertainment.

Jocelyn stated the applicant originally applied on March 25, 2004 for a POE and it was an event space focusing on corporate events and other entertainment, there is no liquor license at the location. She added the original application came before commission on May 4, 2004 and at that time there was community opposition and no planning approval and the item was continued and because there was a decent amount of comments and discussion taken by neighbors and the commission on the recommendations by the police department at the time. She added the item passed through planning, planning imposed a set of conditions. She added since there was substantial community opposition as well as some activity by the city attorney code enforcement staff felt the need to do a repost for this hearing. She added staff's recommendation was to conditionally grant the permit and the conditions set by planning and the police department.

Mr. Whittaker the attorney for the applicant stated they were interested in an entertainment permit. He added they went to a discretionary review, which was a unanimous decision but there were conditions in place he added the conditions had solved some of the neighborhood concerns if not all of them. He added No. 5 of the conditions was the hours of entertainment would be limited to Sunday to Thursday to 10:30 P.M. and Friday and Saturday to 12:00 A.M. He added that he had not much more to add.

Mr. Weiss stated he was present to share the experience the city attorney's office code enforcement division had with respect to the applicant. He added that he did not see himself advocating with what the commission did with the permit application, however he felt it would help them make a inform decision the type of business operator who applied for the permit. He added the investigation by the city attorney's office began May 10, 2003. He added they were informed that there was a nuisance call to the police department on April 3, 2004 of a party going on at Capella event center were there were no permits. He added the police department was called on May 10' 2003 by neighbors of an illegal party going

At Capella center with no entertainment permit he added the event resulted in numerous calls regarding music and noise from patrons fighting and destroying property the police had to intervene and stop the party and the owner Mike Lee was sited for violated municipal police code sec 123 and 1061. He added shortly thereafter the manager went to Mission station and discussed what had happened and had been informed by the police department that the needed to obtain police permits before any other events could happen. He added that alcohol beverages were being served. He added the police department was told that the process was going to get underway. He added shortly after the police toured the facility, which showed more events were alcohol being served. He added the officer again explained a permit would be required. He added the officer's notice the windows were not double-pained or insolated or no occupancy level was posted and there were many bars set up with alcohol present during the investigation. He added again on May 16, 2003 neighbors again complained to the police department about a loud party at 11:30 P.M. and patrons spilling out onto the street. He added on May 19, 2003 the home owners in the area wrote a letter to the police departing indicating the last two weekends had made life a living hell for the neighbors with noise, urinating and loitering that went on until 3:00 A.M. He added the police department met with the neighbors

association and talked to Capella and management told everyone they wanted to do the right thing and the space was going to be used for small quiet gatherings and there was nothing to worry about. He added calls were made again in June and July of 2003 to the police department about complaints of more loud music coming from Capella. He added in July there was further discussion between the manager of Capella and Mission station they wanted to have another event on July 5, 2003 that was a fundraiser for a non-profit and unfortunately their ABC license was not obtained in time and on July 3, 2003 they were informed the permit was not approved. He added on July 7, 2004 the police received more complaints from resident that the party did take place on July 5, 2003. He added he personally received a call from the neighbors about the July 5, 2003 events. He added the event was advertise on the website. He added on July 8, 2003 there was another letter to the Minna Natoma Association to the property owner informing the owner the problems were still continuing and the neighbors were upset. He added that it was important for the commission to understand what the city was dealing with and how far the city had bent over backwards to accommodate the applicant. He added nobody had interest to prevent Capella from opening they just wanted it to be a legal nightclub operating the way everyone else was requested and required to operate. He added that it was

a lot of information to share but it did provide an important backdrop of how many promises had been made to the police department, city attorney and the neighbors who were directly affected by what happened. He added each promise was made then immediately broken.

Chair Joseph asked were there parties after March 25, 2004.

Mr. Weiss stated that on May 14, 2004 following the applicants before the commission. He added another event was held at Capella. He added calls were received about an event on June 20, 2004 another party was held. He added that most of the complaints they received were in 2003. He added that the city responded quickly on to help the applicant to understand the process required certain things needed to be done for health and safety. He added that they came very close to filing a lawsuit but since the applicant had filed an application to the commission the city attorney's office waited to see if they were going to be approved. He added that the other option was to sue for an injunction to require that their parties be done legally and if they were not they would be in contempt of court. He added they did not go that route.

Chair Joseph stated that item No. 4 of the planning condition the authorization did not include the establishment of a bar nightclub, the use shall include corporate retreats, wedding receptions, meeting space charitable or political fundraisers, non-profit events, art gallery, film production, fashion shows and performance space. She added Capella had always operated as a nightclub. She added were his clients saying they would absolutely not operate as a nightclub. She added that advertising, door charging, admission at the door as oppose to donations and dancing was a nightclub and they won't operate that way?

Mr. Whittaker stated he had a pile of discussions with the owners and the managers questioning what they were doing and whether or not was it the step they wanted to take understanding that they would putting themselves in the position to have their permit revoked. He added that they went over the steps over and over. He asked the owners and manager was it something they would be able to abide by and to understands people would be looking at them and they said they said they understood. He added they did understand what the difference was between nightclub and an event place. He added they understand the limitations that had placed on them and the gentleman they had as an operator acknowledged that he was not doing a good job and couldn't run a nightclub and found someone with 14 years of experience. He added the new manager understood that midnight meant midnight on Friday and Saturday. He added the police would be looking closely at it. He added planning was looking at them as well.

Chair Joseph stated at the last hearing before the commission they said they would not have anymore parties and they went ahead and had them anyway. She added it seemed to her the people in charge of Capella thumbed their nose at the commission and at getting a permit. She added the cost to the city to educate and to bring

Capella into line had been enormous and your application to the commission was what stopped Mr. Weiss from filing a lawsuit. She added that they were asking the commission to trust that Capella would comply and it was a big thing to ask.

Mr. Whittaker stated that Mr. Weiss stated there were two events that occurred after the time they said they would not throw any more parties. He added May 14, was a non- profit group for Mothers and trouble teens there was no money involved. He added the June 20th he did not know about

Chair Joseph stated the applicant would be responsible for the events here on out.

Mr. Whittaker stated that the events for 2004 were outsourced for others to come in and apply for their own permits. He added the applicant was ready to request a POE under the strict conditions that he thought would address all the concerns the city was having for the future.

Mr. Weiss stated the Fire Department zoned the space for 49 people or was all that were permitted in the space. He added the parties that were being given were all noted as being 200, 250, 300 and 350 people. He the capacity stated on an event on a website that the capacity was for 600 people which was a safety concern. He added that there was a big disconnect between the controllers of the space were doing and what city said was legally and safely permissible. He added that he understand that should the commission decide to grant the applicant's permit that all would happen would be a conditional permit that no permission to operate would actually granted until the fire department and building department and several others departments would have to sign off on it. He strongly suggested to the commission the considered which conditions to adopt to carefully consider what the police department recommended and to keep in mind that if there was a party thrown for more 49 occupancy that there be strong and swift stanchion and accountably.

Commissioner Lorin stated he understood that if they were given a conditional they were going to do some construction.

Mr. Whittaker stated they were waiting to he hear what the Planning, Health, Fire and Electrical department said they needed to do and get it done. He added once that was done they would look at it to see if it made sense.

Commissioner Alan asked if Mr. Whittaker clients had intention to legally call in to question the discretionary review condition's that were in front of them today and would he make the statement that there would be no appeal made?

Mr. Whittaker stated he did not and they would not appeal the conditions. He added that from a year from now they would like to amend some of the conditions.

Commissioner Alan stated the commission did not have any power to change or amend or hold a hearing on conditions imposed by the planning department and they would have to be appealed there. He added that the commission He added the fire code and building code as it related to exiting strategies for buildings that fell under the city and county prevue was very strict. He added that having work with many locations that would like to simply roll up the door and have more people it did not work that way and there were very specific engineering requirements to take into consideration. He added changing the occupancy of 49 when there was only a frontal egress position it was very difficult and costly and the client should be aware of that.

Public Comment

Michael Jennings is the owner of Small Potato Catering in San Francisco. He added they produced events from up to 50 to 2,000 and the lion share of his business involved events from 100 to 250 people. He added that there was a dearth of venues for events this size. He added it was tough to find a nice elegant hip place for 100 to 200. He added the events they produced were well budgeted, well managed and heavily staffed.

He asked the commission to consider approving it. He added that Jacqueline Burns was a valuable resource to the event community and the events she did were elegant and unique.

Commissioner Meko asked if the applicant understood about the capacity of 49.

Mr. Jennings stated it was his understanding they planned on making revision to the building that would allow for a larger occupancy.

Elain Jennings with Consenters Productions that specialized in producing high profile influential events. She added Capella's was a much-needed venue San Francisco. She added Capella was a very convenient location there was several parking near by and offered a wide variety of options for both corporate and private audiences. She added Capella was a very user-friendly space.

John Wood with the SFLNC stated it was in the interest to get Capella legal.

Carla Neil involved in arts supports stated the city was in need of spaces like Capella. She added that it would be in the best interest to get them permitted.

Public comment closed.

Commissioner Meko stated that he was overwhelmed by the conditions from the Planning department. He added the police conditions came to them and they were old conditions.

Commissioner Lorin stated the conditions were agreed upon the applicant.

Jocelyn stated the conditions were revised from May 4, 2004 minutes.

Commissioner Meko stated he suggested the commission would calendared a hearing in three months to make sure the applicant was up and running with their permit.

Commissioner Alan stated that the applicant had an expensive process to expand the capacity.

Commissioner Meko stated there was a misunderstanding and there were conditions that were heard and they had to accept.

Commissioner Lorin stated that that there

was a process already in order and he would

be hesitant to hold additional hearings

because the commission did not have the

power to act.

Commissioner Lorin moved to conditionally grant the permit with the conditions imposed by the Police and planning department Commissioner Pred

seconded the motion.

VOTE:

AYES- Commissioner Joseph, Commissioner Pred, Commissioner Lorin, and Commissioner Alan

NOES- Commissioner Meko

ABSENT Commissioner Bowman Leong

4. COMMISSIONERS

COMMENTS & QUESTIONS

Commissioner Lorin stated the commission should educate the police department on having a person in authority to sign off on conditions.

Commissioner Pred stated he wanted

information on 312 notifications' from staff.

He added that they should have discussion on the issue of the 6-month trail period and how the commission would review future cases.

Commissioner Alan stated that Love Parade was a smashing success and it had a great economic impact on San Francisco.

5. DIRECTORS REPORT

The Director reported the following:

- Bob Davis stated the office renovations were in process.

- Bob Davis stated the budget was in tact.

- Bob Davis stated the new hire was still pending.

6. REPORT FROM THE LEGISLATIVE COMMITTEE

Nothing to report meeting was cancelled.

- REPORT FROM

EXECUTIVECOMMITTEE

Nothing to report meeting was cancelled.

8. DISCUSSION OF AGENDA

ITEMS FOR FUTURE

ENTERTAINMENT

Commissioner Pred stated that he would like to add a presentation to the full commission on EMS.

9. ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at

7:25 P.M.

Respectfully submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, October 19, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

1. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

   1. Review and approve minutes of Regular Entertainment Commission meeting of August 17, and October 5, 2004. **[Action Item]**

   2. President's Report.

   3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a) Permit Bouzidi, Kamel, dba, "Monte Cristo Café/MCC Restaurants, Inc." 4 Embarcadero Center, Promenade Level, Place of Entertainment.

   b) Lew, Jennings, dba, "Club Hong Kong" 517 Clement Street, Place of Entertainment.

   4. Discussion and possible action to revoke Place of Entertainment, Extended Hours Premises and Billiard Parlor permits of Lee, Donald dba "Hollywood Billiards" 1028 Market Street. **[Action Item]**

   5. Commissioner Comments and Questions.

   6. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

      - Status of pending legislation
      - Budget report
      - Office space
      - New hire

   7. Report from Legislative Committee. (Bowman Leong, Chair)

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8. Report from Executive Committee. (Jordan Shlain, Chair)

9. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

10. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room *406* is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine.** For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

City and County of San Francisco
Entertainment Commission

October 19, 2004

MINUTES OF THE

October 19, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Audrey Joseph, Chair

Bruce Lorin

Bowman Leong

Jim Meko

Joseph Pred

Jordan Shlain

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

CALL TO ORDER

The Commission Chair called the meeting to order at 5:13 P.M.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners, Audrey Joseph, Jim Meko, Bruce Lorin Bowman Leong and Jordan Shlain.

Absent were, Terrance Alan

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the agenda.

Public Comment

Larry Hunt "Bucket Man" resides in San Francisco. He added he is still being harassed by the police for playing on the streets and is anticipating the street performers permits.

Bob Davis stated he was presenting the draft legislation on Street Performers to Supervisor Aaron Peskin and it was a work in progress.

Mark Rennie stated Carolyn Diamond with the Market Street Association asked for help on creating more street life on Market Street. He added if the legislation could look at a yearlong loudspeaker permit. He added the Market Street Association was looking forward to seeing it happen and it would be good for the city.

Public comment closed.

Public Comment

No public comment.

- 1.Review and approve minutes of regular entertainment commission meeting of

August 17, 2004

Commissioner Meko stated the August 17, 2004 minutes did not have four votes the minutes have to be continued.

Public Comment

No public comment.

Commissioner Leong moved to continue the minutes of the regular Entertainment Commission meeting of August 17, 2004.

Commissioner Lorin seconded the motion.

VOTE:

AYES - Commissioner Meko Commissioner Joseph, Commissioner Leong Commissioner Lorin Commissioner Pred

NOES - None

ABSENT - Commissioner Alan

Public Comment

No Public comment.

Commissioner Meko moved to approve the minutes of October 5, 2004 of the regular Entertainment Commission meeting with the minor amendment

Commissioner Lorin seconded the motion.

VOTE:

AYES - *Commissioner Meko Commissioner Joseph, Commissioner Pred, and Commissioner Lorin*

NOES - None

ABSENT - Commissioner Alan & Commissioner Shlain

ABSTAIN - Commissioner Leong

Public Comment

No public comment.

1. PRESIDENT'S REPORT

Chair Joseph stated this was her pre Halloween report. Halloween was done. She added there would be three stages on Noe and Market Street and 16th on Castro and Market and one on 19th and Castro. She added all city services were in place and everything was on Board. She added she would be absent for the November 2, 2004 meeting.

Bob Davis stated that staff would be issuing the Bart flash passes which were commemorative with the Entertainment Commission logo and would be distributed throughout the greater bay area.

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

a) Permit Bouzidi, Kamel, and dba, "Monte Cristo Café/MCC Restaurants, Inc." 4 Embarcadero Center, Promenade Level, Place of Entertainment.

Jocelyn Kane stated that the applicant was applying for a Place of Entertainment for the Monte Cristo Café they are opening a bar with DJ music they have a type 47 license and the occupancy of 243. She added the application had approval from Central station without conditions as well as City Planning and no other approvals at the time. She added that staff recommended a conditional grant.

Chair Joseph recognized the arrival of Commissioner Shlain.

Commissioner Shlain arrives at 5:23 P.M.

Jocelyn stated the applicant was under the terms of a pretty hefty lease in the Embarcadero and there were many conditions upon him about sound and security which is why Central station didn't impose more conditions.

Public Comment

No public comment.

Commissioner Lorin moved to

Conditionally grant the permit

Commissioner Pred seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Joseph, Commissioner Pred, Commissioner Lorin Commissioner Shlain & Commissioner Leong

NOES - None

ABSENT - Commissioner Alan

Public Comment

No public comment.

- a)Lew, Jennings, dba, "Club Hong Kong" 517 Clement Street, Place of Entertainment.

Jocelyn stated the applicant submitted an application for a Place of Entertainment for Club Hong Kong. She added it was a new owner of a continuing place of business. She added the new applicant was requesting the addition of Karaoke a piano and a singer. She added that unfortunately she did not have a response in writing from Planning or Richmond station.

Chair Joseph asked how long Mr. Jennings

owned the business.

Mr. Wong speaking on behalf of Mr. Jennings Lew because of his hearing condition.

Mr. Wong stated he bought the building an over a year ago.

Chair Joseph asked had the applicant bought the business from Bosco Young.

Mr. Wong stated they were pre-approved by the Building Department and had a copy of

the approval. He added he did buy it from the previous owner and they had already had

a previous Place of Entertainment Permit.

Commissioner Meko stated that it was a permitted use in the area and it was a continued use that has not lapsed. He added there were no planning hurdles.

Commissioner Lorin stated the old permit issued in 1993 allowed live entertainment in the form of a pianist and singer and he saw no problem adding the Karaoke. He added that if the club owner didn't alter them they would be ok. He added the same stipulations be applied adding in Karaoke as an allowable entertainment. He added if there were any problems the applicant could come back at a future hearing.

Jocelyn stated that if there were conditions imposed she would get them from Planning.

Commissioner Meko stated they prompted this to staff for a recent situation that involved the Detour and with instructions for staff to take a look at the condition's that had been arrived at several years ago and bring them up-to-date. He commended staff for taking the intent of the original stipulations and brought them into line with the decision of the Entertainment Commission. He added they add the Good Neighbor Policy and the three conditions the commission will be adding to the Good Neighbor Policy and the of requiring security anytime anyone is outside of the establishment, distributing a cell phone number to the neighbors that will be answered by a person on the premises whenever entertainment is being offered who had the authority to respond to complaints, and sound not to be audible in surrounding residents or businesses.

Public Comment

No public comment

Commissioner Lorin moved to conditionally grant the permit Commissioner Leong seconded the motion.

VOTE:

AYES - Commissioner Meko, Commissioner Joseph, Commissioner Pred, Commissioner LorinCommissioner Shlain Commissioner Leong

NOES - None

ABSENT- Commissioner Alan

4. **Discussion and possible action to revoke Place of Entertainment, Extended Hours Premises and Billiard Parlor permits of Lee, Donald dba "Hollywood Billiards" 1028 Market Street.**

Chair Joseph stated they would continue the item to the call of the chair since the permit holder was not properly noticed.

Commissioner Lorin stated it was the commission's first attempt of a revocation or discipline and the commission should set up the proper procedures so there would be a fair judging that the commission could continue to other permits in violation.

Public Comment

No public comment

Commissioner Leong moved to continue the item for the next scheduled meeting. Commission Lorin Commissioner

seconded the motion.

VOTE:

AYES - Commissioner Meko Commissioner Joseph, Commissioner Pred, Commissioner Lorin Commissioner Shlain

NOES - None

ABSENT - Commissioner Alan

- **5.COMMISSIONER COMMENTS**

AND QUESTIONS

Commissioner Lorin asked what the status was for City Hall getting their permits.

Bob Davis stated City Hall has not figured out who they want to sign the application

and they were waiting for a signed application to come back.

Commissioner Lorin stated in all fairness to the residents and small businesses of San Francisco the City should set a good example and the as a commission they should expect nothing less of City Hall.

Commissioner Pred stated the review of the updated ISCOTT ordinance needed to go on the next agenda. He added did staff have an update when it would be brought before the Board of Supervisors. He added he reviewed the plan and it not only adds the Entertainment Commission to the process for ISCOTT which was a important step for the Entertainment Commission getting plugged in with the rest of large scale event planning. He added it also made reasonable plans to ensure that public health was assured by requiring a safety plan to be submitted as part of the Entertainment Commission application.

Bob Davis stated that the commission was trying to get a sponsor. He added Supervisor Dufty initially agreed to sponsor it has been sent to him and he has to read the language.

6. **REPORT FROM EXECUTIVE DIRECTOR**

- Bob Davis stated they were waiting for the contractor to start work. He added that he enlisted the aid of Audrey Joseph to assist him in talking with Bill Lee in expediting the process.

- Bob Davis stated the with the budget the Mayor has a put a temporary freeze on all hiring which included the Entertainment Commission new hire.

- Bob Davis Stated that Scharod's law had its first reading and was unanimously approved by the board and will have the second reading on October 26, 2004.

- Bob Davis stated they would receive a draft from Supervisor Peskin street performers legislation on October 22, 2004.

- Bob Davis stated there was no new information on Adult Entertainment legislation. He added that supervisor Daly is still working on the legislation.

- Bob Davis stated the Castro Club draft would be available October 27, 2004. He added Supervisor Dufty would sponsor the legislation.

- Bob Davis stated he was working with the Port of San Francisco with two items the night at the Oscars and a Halloween dance. He added Fashion week cancelled because they had a number of events slated at the hotels and could not wait at the last moment to see if the hotel strike would end. He added they would reschedule in the Spring of March 2005.

- Bob Davis stated the Halloween passes for Halloween in the Castro will be distributed and welcomed the commission's attendance.

7. REPORT FROM LEGISLATIVE COMMITTEE

Commissioner Leong stated that a hearing should be held on promoter guidelines and invite club owners and promoters to attend and help to set up the guidelines. He added it should be calendared for a future agenda item. He added the Legislative Committee voted on bringing a request to Supervisor Dufty's office to have him sponsor a resolution that would include the Entertainment Commission in all entertainment related legislation. He added they are waiting for a second vote in reading from the Board of Supervisors on Scharod's Law. He added the Street performers permit were pending an update from Supervisor Peskin's office.

Chair Joseph stated the legislation decided not to draft the promoter's permit legislation. She added instead the commission would hold a hearing and set a list of guidelines for permit holders could use when they would solicit promoters for their events. She added language should be drafted before it would go to the commission to vote on then take it to the Board of Supervisor on Entertainment legislation

8. REPORT FROM EXECUTIVE COMMITTEE

Commissioner Shlain stated they meet about planning issues with 312 notification and how it would bring up issues of due process. He added the committee suggested that a meeting be held between the Entertainment Commission Attorney and Planning Commissions City Attorney to build a bridge with the planning commission so they would accept the Entertainment Commission's recommendation as part of their planning process or some combination of coordination. He added there would be a final Good Neighbor Policy he added it should be added to the next Commission meeting to adopt. He added the maps that will be attached to permits would be the Yahoo and GIS maps. He added that Commissioner Alan stated he wanted to amend the By Laws for president's terms rather than make it per category it should be per

person for two years consecutively. He added the executive Committee would be doing a review of staff for quality assurance. He added that the Website and Entertainment Commission are still being put through.

9. DISSCUSSION OF AGENDA ITEMS FOR FUTURE ENTERTAINMENT COMMISSION MEETINGS

- Promoter's Guidelines to the Board of Supervisors for a possible Hearing.
- Good Neighbor Policy should be adopted at next meeting.

- EMS Recommendation for ISCOTT.
- Amend the Entertainment Commission By Laws for presidents instead of category per person for two years consecutively.
- Getting a report from staff on more specific information on 312 notifications.
- Conception of 6-month trail periods on Entertainment Permits for discussion or agenda item for the executive committee.

Public Comment

No public comment.

Commissioner Shlain moved to approve to re-open Public Comment Commissioner Leong seconded the motion.

VOTE:

AYES - Commissioner Meko Commissioner Joseph, Commissioner Pred, Commissioner Lorin and Commissioner Shlain

NOES - None

ABSENT - Commissioner Alan

Public Comment

Peter Garin with Restaurant Strategies in San Francisco and a member of the Audio Engineering Society. He added on October 28 through October 31, 2004 would be the

International Convention of the Audio Engineering Society held at the Moscone Center.

10. ADJOURNMENT

Having completed all business, the Entertainment Commission adjourned at

6:01 P.M.

Respectfully submitted by Crystal Stewart.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, November 16, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

1. Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

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1. Review and approve minutes of Regular Entertainment Commission meeting of August 17, and October 19, 2004. **[Action Item]**

2. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. **[Action Item]**

   a) **Robertson, Scott, dba "The Regency Center" 1290 Sutter Street, Extended Hours Premises.**

   b) **Uchoa, Sebastiao, dba "Mr. Pizza Man" 3146 24th Street, Extended Hours Premises.**

   c) **Cruz, Angel, dba "Club Six" 60 Sixth Street, Place of Entertainment – Major Amendment /Extended Hours Premises – Major Amendment**

3. Discussion and possible action to adopt the Good Neighbor Policy. **[Action Item]**

4. Discussion and Adoption of Entertainment Commission Hearing Procedures for Revocation or Suspension of Place of Entertainment Permits (Police Code §1060.20) and/or Permits to Operate Extended Hours Premises (Police Code §1070.17). **[Action Item]**

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5. Discussion and possible action to make a recommendation to ISCOTT to add life safety/EMS to all events that require street closures. **[Action Item]**

6. Commissioner Comments and Questions.

7. Report from Executive Director. (Bob Davis. Executive Director). Reporting on the status of:
   - Status of pending legislation
   - Budget report
   - Office space
   - New hire
   - Report on 312 notification information

7. Report from Legislative Committee. (Bowman Leong, Chair)

8. Report from Executive Committee. (Jordan Shlain, Chair)

9. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

10. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

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ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
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City and County of San Francisco
Entertainment Commission

November 16, 2004

MINUTES OF THE

November 16, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Jim Meko, Chair

Terrance Alan

Bruce Lorin

Joseph Pred

STAFF

Present

Robert Davis, Executive Dir.
Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:10 PM

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Jim Meko, Joseph Pred and Bruce Lorin.

Absent were, Bowman Leong & Jordan Shlain & Audrey Joseph

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

2. PUBLIC COMMENT

The Chair called for comments from the public on items not appearing on the agenda.

GENERAL PUBLIC COMMENT

Barry Taranto stated he read that Kelly's Mission Rock would have a hearing next months due to some violations of their permit. He added hopefully they could work out their issues because Kelly's was a great venue for parties and events and it was

great location and business for taxi drivers. He added Suite181 was making it difficult for cabs to pick up and drop off patrons and they needed to provide a white-zone. He added that the Entertainment Commission should have links on their websites for events so taxi drivers are better informed of events.

Public Comment closed.

3. REVIEW AND

APPROVAL OF MINUTES

Public Comment

No Public comment.

Commissioner Meko moved to continue the Minutes of the August 17, and October 19, 2004

Commissioner Pred seconded the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Lorin & Commissioner Pred

NOES - None

ABSENT- Commissioner Leong & Commissioner Shlain

Commissioner Joseph

Robertson, Scott, dba "The Regency Center" 1290 Sutter Street, Extended Hours Premises.

Bob Davis stated the applicant applied for an extended hours permit on October 4,

2004 in order to ensure events planned for New Years Eve could extend pass the 1:30 A.M. limit on their current Place of Entertainment permit. He added the Regency Center was an event space that rents to a variety of individuals and businesses and they provided security, catering and other services where they contract them out. He added after neighbors raised concern the Regency held a public meeting. He added Jocelyn Kane of the Entertainment Commission attended the meeting. He added they have spoken with concerned residents about their concerns with the Regency. He added the application-received approval from SFPD. He added Officer Gallagher called with concerns about the Planning Department. He added that Planning's recommendation was not to approve based on the area and not land use issues. He added Electrical and Fire had submitted their recombination's He added staff recommended approval based on the document from Northern station that list several conditions and allowed once a month opening. He read the conditions of Northern station: *Due to complaints from surrounding neighbor's Northern station recommended approval for extended hours with the following conditions. 1) Shall extend 4:00 A.M. on any extended event. 2) Shall have no more than one event per month past 1:30 A.M. 3) Shall not allow any type of vehicle buses, trucks etc. to park of Fern Alley, Van Ness Avenue or Sutter Street at any time with any motor running. 4) Shall not allow any motor attached to any vehicle such as air conditioning units to run at any time. 5) Shall not allow any generators to be run outside the premises at any time 6) Shall have adequate security inside and outside of the events to control patrons attending the events.* He added that staff's recommendation was to approve with the conditions that are imposed by the police department.

David Nemoyten the manager of the Regency Center speaking on behalf of Scott Robertson who was unable to make the hearing. He added their basis in getting the permit was they have annual New Years events for the past five years and they had always gotten an extended hour permit. He added their general events were concerts going on. He added they were aware of the issues raised about the busses and sound were things they were well aware of and have been actively enforcing them. He added the event manager was patrolling the circumferences of the building on the hour to make sure no busses or trucks were running. He added they were policing the area and are trying to keep the sound down as much as possible. He added they discuss with Jennifer with Best Beverages Events Management who ran events in the building and were satisfied with the compromise of the permit conditions. He added the Regency has had lots of high-end events and they were not a nightclub they were an event space.

Commissioner Lorin asked how many after hour events had the Regency had since they opened.

Mr. Memoyten stated New Years Eve and one recent event for the San Francisco Opera called the *Forgotten Opera*. He added they had occasional request to do extended hours for special types of parties he added they needed to offer the after-hours to be competitive in their business.

Commissioner Lorin asked how many problems had they had after 1:00 A.M. He added what type of problems did the applicant encounter after 2:00 A.M.?

Mr. Memoyten stated that to his knowledge they had not had any major problems with after 2:00 A.M. He added they had ideas on how to address cleanup and security for their events.

Commissioner Alan asked if the Scottish Right Temple operated as an event center since 1909?

Mr. Memoyten stated from the 1960's to the late 1990's it was the Regency 1 Movie theatre and prior to that they would have various public events, balls on the ground ball room level.

Public Comment

Mr. Ken Raley resides at 1452 Bush Street and the president of the Homeowner Association. He added the neighborhood had a lot of challenges and issues for a long time and the last thing they needed was more people running around their neighborhood at 4:00 A.M. getting into the trouble that was already happening in the area. He added crime; prostitution, public drunkenness and problems with noise and parking were present when there were events at the Regency Center. He added the extended hours would increase more problems. He added that granting the extended hours permit would not draw the type of events that the neighborhood would want to be associated with as a neighborhood. He added that it would expand the problems that already exist in the area. He added he witness a fistfight with one of the patrons going into a concerts at the Regency. He added as residents they actively opposed the extended hours permit.

William May with the Board of Directors at 1452 Bush Street. He added he had a two-year-old daughter and his concerns were there was always something going on in the area that involved public drunkenness, prostitution and people urinating. He added that the residents had a phone record of problems going on in the alley behind their building and other ally that should be patrolled to clean up the neighbor. He added to add another nightclub would bring more trouble to the neighborhood.

Tom Ferrioli stated he was the president of a newly formed group called the Tenants Association. He added he opposed the extended hours permit for the Regency. He added the Regency was currently violating permit restrictions that noise shall not be audible beyond the place of entertainment. He added entertainment at the Regency was interfering with the right of persons dwelling in the vicinity to he the peaceful and quiet use and enjoyment of their property. He added under police code 1060.12 the city needs to take action to document the abuse and revoke the Regency's entertainment permit if necessary. He added that they did not want to have to be

driven from their homes.

Adil Shaikh a business owner who resides in San Francisco. He added that he attended Mosque, which was very close to the Regency Center and was against allowing the extended-hours for the Regency Center. He added his concerns were the quality of life that would impact on the residents. He added he did not know any Swing parties that went on until 4:00 A.M. He added it sounded more like the Rave type of events that would go on at the Regency. He added there were other issues of security, public drunkenness, drug and prostitution. He added the valet parking was holding up parking spaces at 4:30 P.M. and 5:00 P.M as well as the busses. He added cones were put in ally to allocate spaces where they did not have permits. He added in the near future there would be seniors living in the area and there were enough problems in the area and there was no need to add fuel to the fire.

Commissioner Alan asked what the hours of operation of their Mosque.

Mr. Shaikh stated between the hours of 5:00 A.M. sometimes late as 11:00 P.M.

Commissioner Pred asked Mr. Shaikh was he attributing drug use and prostitution to the Regency Center?

Mr. Shaikh stated he said it was not directly linked and there were already enough issues that the police could not stay on top of so how could they stay on top of any violence that may erupt as a result from people disbursing from the Regency.

Mr. Najib Rebia is a resident at Polk and Post. He added he had concerns of the entertainment increasing in the area and people standing outside the bar with drinks in their hand and smoking clogged sidewalks. He added he had been offered drugs and sex at least 100 times. He added that they are near the Regency Center. He added within four blocks there was 1 Mosqueage parlor five sex shops seven liquor stores and gang activity in the area that has not been addressed by the police. He added that people who attend the Mosque had children with them. He added that entertainment venues were bringing these problems to the neighborhood.

Commissioner Pred stated that it was clearly established that there were other factors in the neighborhood relating to crime and disturbances and asked if his comment were attributed to the Regency Center.

Mr. Rebia stated he was solicited in front of the Regency at least three or four times.

Mr. Akarrk resides in San Francisco. He added he saw the same problems in the neighborhood morning and night when he attended Mosque. He added Mosque did not have limited hours and you could pray there from 12:00 A.M. to 4:00 A.M. He added there were 300 through 400 people that go to the Mosque. He added that when you invite more crowds there were more problems in the area and he objected to the extended hours permit for the Regency Center.

Ms. Helen Dellanini with Daniel Burnham Court Home owners Association and represents 255 homeowners. She added California civil code 1365 mandates that people who live in condominiums are entitled to the peace of their homes. She added they already had more noise than they needed on Van Ness Avenue with the extension of hour at the Regency it put her homeowners at a disadvantage. She added they were opposed to the extended hours.

Larry Lacroyx a resident in the area stated he was opposed to the extended hours. He added he had concerns about security and noise outside the club and the neighborhood had a lot of factors going on and it was a very big concern for those that live in the neighborhood. He added there was crime in the neighborhood. He asked what the occupancy of the club was and how many nights a week would the extended hours be? He added that people who lived in the neighborhood were concerned how far it would go on he added he was aware it was a mixed-use neighborhood and at 2:00 A.M. when the bars closed patrons would be coming the neighborhood

Robert Garcia president of Save our Streets Tenants Merchant Association. He added the Entertainment Commission should heed the Planning Department's recommendation not to approve the permit. He added in six months leading up to September 2004 crime in 6-months 2,750 for services calls was made in that time. He added that he saw drugs being used in the line on Van Ness Avenue. He added he saw public urination in the doorway and complained to the manager. He added it would be a gathering place for drug dealers and prostitution. He added that it was not right and it disrupts the neighborhood and the Commission should turn it down.

Bridgett Hennessy a homeowner for over 26 years on Post Street. She added the more after hours clubs open the more it attracts undesirables, She added that even if there was security there would still be noise from 3:00 A.M. and 4:00 A.M. in the morning. She added were a large number of apartment houses in the area and when the clubs closed that's when the residents were most disturbed.

Commissioner Alan stated the Entertainment Commission had not granted any after-hours in her area. He added which specific location did she refer to where the Commission granted extended-hours permits.

Ms. Hennessey stated that she could not answer the questioned and stated when she moved into the neighborhood it was quiet and now the noise level had accelerated since she moved into the neighborhood.

Patricia Glasky resides in San Francisco and objected to the extended hours for the Regency Center.

Robert Hutchenson stated he has been living next door to the Regency for 44 years. He added the Regency Center had balls and social events. He added the movie theatre was a quiet experience. He added Mr. Robertson applied to be in business five years ago with Mr. Gallagher as his permit officer. He added he was present to see that Mr. Robertson got his permit to be in business and had already been active for three months and the noise level had reached to Polk Street and Van Ness to his building and when he appeared at his hearing Mr. Robertson was startled to find out that someone lived on the block. He added that he was asked to put up sound proofing to get his original permit. He added that the engagements for rock events the people who line up on the street and the noise could be heard the noise echoing from the building from their windows. He added they had protested many times and the commission should be well aware of the noise issues. He added their permit should be denied.

Karla Rossi is the property manager of 1140 Sutter Street. She added she has lived there for 13 years and could hear the bands playing at the Regency from her building. She added that after the club let out there was a noise issue. She added the neighborhood had changed and the issues of noise had not been dealt with that has impacted the neighborhood.

Claudia Campbell resides at 1140 Sutter Street. She added they did not need any added activity around the neighborhood late at night. She added huge trucks take up to three parking spaces and where too big to see around them and she did not feel safe walking around them and it was a safety factor.

Aka Ogross stated his concerns were he would not have enough parking spaces to park. He added there would be more drunken people around the neighborhood after the events.

Phillip Reno stated that he owned a building adjacent to the Regency. He added his experience in the last two years was the owners had shown disregard for the neighborhood and anyone's feelings about anything that happened. He added they attended a meeting to air their grievances and Mr. Robertson stated it didn't matter whether they liked it or not the City would grant his permit and was present to call in to question the legitimacy of the hearing and whether their time was being wasted. He added that he didn't appreciate hearing the comment and turned it over to the Commission. He added that he echoed and ditto everything that was said prior to

him. He added if they were concerned about being good neighbors they would have addressed them before they got to this point. He added since the police never responded to any previous complaints he had no faith that if they were granted the permit under any kind of restriction the police would be willing to enforce it because their experiences as neighbors has been that it has not happened in the past.

Jennifer Hundley resides in San Francisco stated that she works for the Regency Center and oversees all the events at the Regency. She added that the Regency was not a nightclub and was looking to do a handful of events that were after-hours and what was bought up before was a reflection of their New Years Event. She added as a direct result of the neighborhood meeting last week they made a few changes with security noise problems and general cleanliness. She added security was present at all large events. She added the Regency was diligently working on the issues that were addressed.

Mark Rennie a 35-year resident of San Francisco stated he had a concern about the "Walnut Creeking" of San Francisco. He added that there was a concern about land use that was becoming rare. He added they had a situation where they had a mixed-use district were late night entertainment was a permitted use. He added that to keep it in a perspective he added that it was a noisy area with heavy traffic throughout the night and trucks. He added there had been very stringent conditions put on their license cutting them down to from 365 to 12 days a year and cutting their extended hours premises from 6:00 A.M. back to 4:00 A.M. He added given the stringent conditions to mitigate the effects on the neighborhood they had been dealt with and they had to think about urban ecology balancing the equities of the city. He added they did not want to be Walnut Creek if the city was nothing but a bunch of condos throughout downtown San Francisco there would be no nightlife and no tourism and no economic base and the city would be toasted.

Abdel Wahadoussidna stated that after 2:00 A.M. was over and there was no more alcohol sold the substitute would be drugs that could be used inside the club. He added the drugs were already being sold outside the club and prostitution as well and it was a big problem.

Samba Kane stated that by allowing the Regency to have extended hours they would be bringing in a new element to the mix that was already explosive. He added the type of people that were going to the parties at were the perfect cliental for pimps and drugs. He added allowing them to have extended hours would bring it to the next level.

Mr. Gholam stated that he was a resident of the neighborhood and attends Mosque full time. He added the Regency would add to the problems that already exist in the area.

John Wood with the SFLNC stated he lives in the Castro. He added the neighbors seem to think that their area was the only neighborhood that had drugs and

prostitution and noise and it was not the case. He added there were drugs, prostitution and noise and it was part of the urban fabric. He added that he resented the speakers who wanted to blame it on the youth that were going out to seek entertainment. He added the Polk street area has had drugs and prostitution for a long time and people circled the area and not the people at the Regency Center there were different groups of people. He added he was sympathetic on one level because there was a lot going on in the area and there has been for a long time and was tiring for the neighbors but to stigmatize young people who had a right to go out who a right to go to an event at a major institution. He added that there were not many venues in San Francisco of that nature and they were events that were being proposed on a limited basis. He added there had to be some balancing of equities and it seems like the attempts to limit it did balance the equities. He added obviously the venue had to work better with their neighbors to mediate the impacts and should be done. He encouraged the Commission to make the situation better for the neighbors but also to allow the Regency Center to have some late night events.

Public Comment closed.

Commissioner Lorin asked officer Gallagher what law enforcement problems had Officer Gallagher experienced or read about the Regency in the past.

Officer Gallagher stated the Regency had three events last year and they never had any problems with the events that went until 4:00 A.M. He added New Year Eve they hired police officer in front of the venue to make sure there were no problems. He added the problems they were having were busses and trucks parking in the area and noise in the area. He added the Regency was working with the neighbors and the police department.

Commissioner Lorin stated the testimony given at the hearing he only heard two people speak upon something that was relative to the hearing which was hearing entertainment in their residents or a block and a half away.

Officer Gallagher stated they have made inspections. He added the problem with the building was it was built in 1909 and there was no bass in those day and some of the functions had been very loud and the windows and doors had to be closed to contain the sound to the premises. He added they have done some extensive sound to the building. He added the Regency was working on the problems with the buses and noise outside the venue. He added the only problem was he never had the letter from Planning until today and he talked to Mary Woods and according to her who signed the recommendation to disapprove through Planning and asked if one of the commissioners could clarify if it was disapproval from Planning?

Chair Meko stated he met with Dean Makris interim director of Planning this afternoon and brought up the issue to planning and it wasn't an official ruling from

the Planning Commission it was an opinion of one planner at the planning department and it was not based on any specific code which they had to react to.

Bob Davis stated he checked with the city attorney and was told any land use rulings that were handed down from the Planning department overruled anything the Entertainment Commission could do. He added the recommendation that was sent down by Mary Woods, which was a staff recommendation and did not deal with specific land use. He added what Mary Woods issue were as the planner in the area were based on neighbors and her concerns that the commission turn it down. He added that it was a recommendation not a zoning issue. He added staff took it to the city attorney to get a recommendation before hand.

Commissioner Alan asked Office Gallagher given the construct of the conditions that he recommended to be applied to the after hours permit if one be granted did he feel the based on the construct of the conditions and the good faith effort on behalf of the Regency Center that they could operate 12 times a year between 2:00 A.M. and 4:00 A.M. with a minimal of disturbance to the neighborhood or would they not be able to?

Officer Gallagher stated it was a fair compromise and that's why they went with the conditions. He added they were not ready for a full-time after-hours.

Commissioner Alan stated 12 times a year would be sufficient to allow the police department, the neighbors and the Regency Center to work out the process.

Officer Gallagher stated as long as the Regency Center followed the conditions.

Chair Meko stated the Entertainment Commission was bound by a very narrow set of law. He added he wanted to get the opinion from city attorney Dorji Roberts on how much discretion the Entertainment Commission had in making an opinion.

Dorji Roberts with the City Attorney's office stated that under police code Sec. 1070.5 the Entertainment Commission must grant the permit unless it makes one of the findings set forth in the code sub Section F, if the building fails to meet all health, zoning, fire and safety requirements and standards of the state of California as well as the City. He added the location could not accommodate the type and volume of traffic and pedestrian traffic as anticipated as a result of issuing the permit and the events that would take place there. He added the location lacked adequate safeguards or other measures to prevent the admission of noise, glare, and dust or order which substantially interfere with the public health safety and warfare or peaceful enjoyment of neighboring properties. He added those were the grounds upon which the Entertainment Commission could deny the permit.

Commissioner Lorin stated he appreciated everyone that came to the hearing. He added they had to understand they were only dealing with the extended hours 2:00 A.M. to 4:00 A.M. one day a month. He added drug dealing and prostitution both male and female existed in the area when the Regency was still a movie theatre. He added alcohol sales end at 2:00 A.M. the law allowing extended hours 1070 of the municipal police code allows an establishment to remain open 7 nights a week between 2:00 A.M and 6:00 AM. He added the same law the City attorney spoke about specified the commission shall issue the extended hours permit unless one of the three factors was found. He added noise emanating from the Regency should not be heard in anyone's resident and if it was it was a violation of the law and would be handled by the commission and the police should issue citations and bring it to the Entertainment Commission's attention to remove or suspend or revoke permit. He added stipulation's added by Northern station should take care of the bus issue and limiting the after hours to one night a week. He added the hearing was not a sham and the law was very clear and was written to accommodate new businesses to open and current businesses to operate.

Commissioner Alan stated he would like to entertain a motion to approve the after hours permit with the conditions as elucidated in the recommendation by the district station Company E including the prohibition of most of the times of the year and restricting their after hours to only 12 times per year and only two hours at those 12 times and to incorporate the restrictions regarding buses generators and other motors so the indications the neighbors brought forward were respected. He added he wanted to add the Good Neighbor Policy.

Commissioner Lorin asked had there been a sound check done on the Regency Center?

Bob Davis stated there was a sound check done when they first received their permit. He added that to his knowledge there had been no sound complaints coming from the facility.

Commissioner Lorin suggested that another sound check be done to check for vibrations.

Commissioner Pred stated it was worth noting for the people who had sound concerns one of the most effective tools from the Good Neighbor Policy required the venue to have the manager on duty to have a cell phone and the number will be made available to anyone in the neighborhood for direct access for conflict resolution other than SFPD and has shown to be extremely affective in the South of Market district.

Chair Meko stated he was one of the commissioners that represented the neighborhoods and he understood their issues. He added the Entertainment Commission took the permitting process extremely serious and the Commission had devoted a great deal of time to fine tuning the conditions that were attached to the permits. He added that the conditions assigned to the locations are to be posted in a clearly visible location.

Commissioner Alan moved to approve the Extended Hours for the Regency with the Recommendations by Northern station and the Good Neighbor Policy Commissioner Lorin second the motion.

AYES - Commissioner Meko Commission Alan, Commissioner Pred, & Commissioner Lorin

NOES - None

ABSENT - Commissioner Leong, Commissioner Joseph &

Commissioner Shlain

Uchoa, Sebastiao, dba "Mr. Pizza Man" 3146 24th Street, Extended Hours Premises.

Jocelyn Kane stated the application was for a transfer of ownership and it was a 24-hour food operation. She added the application received approval from City planning and Mission station, Building and Electrical and the applicant was aware of the existing conditions imposed by Planning in 1994 with conditional use and he understood them and would abide by the conditions. She added staff recommended conditionally granting the permit.

Mr. Uchoa stated he has been working with Mr. Pizza Man since 1989 and become the owner in 2002. He added that his establishment served the General Hospital, the Police departments and the airport late at night.

Public comment

No public comment.

Commissioner Lorin moved to conditionally grant the permit

Commissioner Pred seconded the motion

VOTE:

AYES - Commissioner Meko and Commission Alan Commissioner Pred, & Commissioner Lorin

NOES - None

ABSENT -Commissioner Leong & Commissioner Joseph

Commissioner Shlain

Cruz, Angel, dba "Club Six" 60 Sixth Street, Place of Entertainment - Major Amendment /Extended Hours Premises - Major Amendment.

Jocelyn Kane stated there were major amendments relative to expanding the business to the property next door. She added there was approval from Southern station and City Planning with conditions. She added staff recommend conditional granting the amendments and there were 23 conditions.

Mark Rennie representing the applicant. He added the proposal was for the expansion of Club Six. He added that Mr. Cruz was the most successful business in the area and hoped the Commission could give him a positive go ahead for his proposed expansion. He added there were conditions of approval that were put on by the Planning Commission. He added looking at conditions his request would be that condition No. 2 be changed to Permit Valid only from 5:00 P.M. to 2:00 A.M. only on operating nights Sunday to Wednesday that it be changed from Sunday to Tuesday to go along with what the planning commission already approved specifically condition 2 of Exhibit A. He added that No. 8 be stricken because it required yellow security jackets. He added there had been no cause of complaints and would prefer security in sports coats to make it more upscale.

Commissioner Lorin stated on page 4 for hours of operation for proposed business stated Thursday, Friday, Saturday, and before national holiday and did they want to expand that to Wednesdays too?

Mark Rennie stated that was correct.

Public Comment

No public comment.

Commissioner Lorin stated he would move to conditionally grant the permit to amend Southern Station's stipulation No. No. 2 to say Sunday to Tuesday, No. 3 and to add Wednesday and to omit No. 8 Commissioner Alan second the motion and offered a friendly amendment that item No. 5 on the police recommendations be amended with the Good Neighbor Policy as adopted by the commission.

VOTE:

AYES - Commissioner Meko, Commission Alan, Commissioner Pred & Commissioner Lorin

NOES - None

ABSENT - Commissioner Leong, Commissioner Joseph & Commissioner Shlain

Chair Meko stated they would reverse go to item No. 4.

Discussion and Adoption of Entertainment Commission Hearing Procedures for Revocation or Suspension of Place of Entertainment Permits (Police Code§1060.20) and/or Permits to Operate Extended Hours Premises (Police Code §1070.17).

Mr. Dorji Roberts with the City attorney's office stated he had to read a few corrections for the draft rules of procedure. He added in his discussion with Bob Davis they would recommend to the matter tonight and then give the other absent commissioners the opportunity to review the procedures and to make the corrections. He added the rules were intended to govern proceedings before the commission for the revocation or suspension of both place of entertainment permits and extended hours premises. He added the suspension revocation were govern by Sec. 1060.20 of the police code for Place of Entertainment and 1070.17 for extended hours permits. He added the purpose of the rules were to provide the commission with frame work to both protect the due process rights of permit holders and also to conduct the hearings in a efficient and fair manner that respects the interest of all parties. He added there were fairly limited grounds upon which the Entertainment Commission could suspend or revoke a permit. He added the basic idea was either the director of the Entertainment Commission or responsible officials within the Police Department, Fire Department, Planning Department or any other City

Department that had jurisdiction or control over property were the venue was located and there were problems could go ahead and file charges with the Commission, the Commission president subject to being overruled by the chair would then set a hearing date and could make other procedural rulings as far as requiring submission in advance of the hearing of any briefs. He added it would not always be the cases were there were problems at a nightclub or other entertainment venues would come to the attention of the commission through the police department. He added there could be other problems involving zoning issues, fire safety issues as well as were the city either on Port property Park & Recreation and elsewhere where they have leased the venue space to an applicant and there were problems were the landlord essentially would like to take corrective action either to suspension or revocation. He added it would essentially be set up as an informal trial and not be subject to the formal rules of evidence that applied in a courtroom. He added it was important to have procedures that were followed which respect the due process rights of applicants. He added the law required that they have notice of the Commission's possible action to suspend or revoke their permit and an opportunity to respond to the charges and to be heard, to present witnesses, documents to rebut the charges and a responsible city official would also have a opportunity to present evidence that would justify the suspension of revocation.

Commissioner Lorin stated the permit tee had a right to appeal to the Board of Appeals within 15 days. He added what triggered the 15 days?

Dorji Roberts stated it would be the issuance of the Commission's written decision.

Commissioner Lorin asked under law how much notice the Commission had to give the permitee before they appeared before the commission?

Dorji Roberts stated a reasonable period of time. He added he had yet to see anything less than 10 days of time or be upheld given the importance of the proceedings.

Commissioner Lorin stated that if an establishment was a bucket of blood and the Entertainment Commission wanted to close them down what type of interim administrative action could be take?

Dorji Roberts stated if there were significant safety issues be they related violence things that required police services or potentially fire hazards the club could be immediately shut down by the police, fire and public health depending on the issue.

Commissioner Lorin requested that the contingency be added into the procedures.

Dorji Roberts stated they could look into adding it into the policy.

Bob Davis suggested an advisory document.

Commissioner Alan stated that it was also an important political statement to make to the general public that the Commission that they took their job seriously and had a tool that in the event that there was a life threaten situation the commission could move immediately and have a process in place to do so.

Public comment

John Wood asked could he see were the authority came from since it was not in the code and it would be informative to understand what the basis of it would be and it would need to be very clear or it could be misused in some future situations.

Mark Rennie stated he was a little concerned about the emergency action to take away a person 1st and 14th amendment rights. He added that the commission had to be very careful before doing that. He added you could not take away property without due process of law, and due process did not seem to be Rose Meyer yanking his permit off the wall. He added he rather see Mr. Dorji Roberts talk to the federal judge in the morning if there was something going on. He added just because there was a shooting one night doesn't mean they would shoot another night.

Public comment closed.

Commissioner Alan stated there was an evolution that went on within a venue and the evolution sometimes make its appearance as a relaxation in the standards by which that venue operates and he would see that it would be entirely appropriate for a fire Marshall if he were to encounter unsafe conditions in fire exiting at a club to immediately close the club and it was within their right and duty. He added he agreed it was a slippery sloap but it was also a slippery sloap not to have such a trigger.

Commissioner Alan moved to continue the item Commissioner Lorin second the motion.

VOTE:

AYES - Commissioner Meko, Commission Alan, Commissioner Pred, & Commissioner Lorin

NOES - None

ABSENT - Commissioner Leong, Commissioner Joseph &

Commissioner Shlain

Discussion and possible action to adopt the Good Neighbor Policy.

Public Comment

No public comment.

Commissioner Alan read the draft revision of the planning code that took into consideration the entire city. He asked that his fellow commissioner vote it in as policy,

Commissioner Alan moved to adopt the

Good Neighbor Policy Commissioner Lorin seconded the motion

VOTE:

AYES - Commissioner Meko, Commission Alan Commissioner Pred, & Commissioner Lorin

NOES - None

ABSENT -*Commissioner Leong, Commissioner Joseph and*

Commissioner Shlain

Discu ssion and possible action to make a recommendation to ISCOTT to add life safety/EMS to all events that require street closures.

Commissioner Alan moved to

Continue Item No. 5 Commissioner Lorin

Seconded the motion.

VOTE:

AYES Commissioner Meko Commissioner Joseph, and Commission Alan Commissioner Pred, & Commissioner Lorin

NOES - None

ABSENT -Commissioner Leong & Commissioner Joseph

1. COMMISSIONER COMMENTS AND QUESTIONS.

No Commissioner Comments.

Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

- No Report was given.

Report from Legislative Committee.

Absent - Nothing to report.

Report from Executive Committee.

Absent - Nothing to report

Discussion of agenda items for future Entertainment Commission Meetings.

Nothing to report.

10. **Adjournment** 7:05 P.M.

Entertainment Commission
City and County of San Francisco

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11-29-04P04:45 RCVD

Notice and Agenda for Meeting
Tuesday, December 7, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

SF
E81
#1
12/7/04

1. Review and approve minutes of Regular Entertainment Commission meeting of August 17, and October 19, 2004. [**Action Item**]

2. President's Report.

3. Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission. [**Action Item**]

   a) **Chen, Benjamin & Brooks, Joshua, dba "Alpha Bar and Lounge," 3846-3848 Geary Blvd., Place of Entertainment.**

   b) **Des Roches, Darren, JBC of San Francisco, dba "Jillian's of San Francisco," 101 4th Street, Place of Entertainment/Billiard Parlor.**

   c) **Bell, Shelley, dba "Bayview Opera House," 4710 3rd Street, Place of Entertainment.**

   d) **Milano, Gina, dba "Bambuddha Lounge," 601 Eddy Street/Courtyard of Phoenix Hotel, Loudspeaker, December 31, 2004, 10PM to 2AM.**

4. Discussion and possible action to make a recommendation to ISCOTT to add life safety/EMS to all events that require street closures. [**Action Item**]

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

4. Discussion and Adoption of Entertainment Commission Hearing Procedures for Revocation or Suspension of Place of Entertainment Permits (Police Code §1060.20) and/or Permits to Operate Extended Hours Premises (Police Code §1070.17). **[Action Item]**

5. Commissioner Comments and Questions.

6. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

   - Status of pending legislation
   - Budget report
   - Office space
   - New hire

7. Report from Legislative Committee. (Bowman Leong, Chair)

8. Report from Executive Committee. (Jordan Shlain, Chair)

9. Discussion of agenda items for future Entertainment Commission Meetings. **[Action Item]**

10. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

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The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

Entertainment Commission
City and County of San Francisco

Notice and Agenda for Meeting
Tuesday, December 7, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

AMENDED

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SF
E81
#1
12/7/04
amended

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City and County of San Francisco
Entertainment Commission

December 07, 2004

MINUTES OF THE

December 7, 2004 REGULAR MEETING

City Hall, Room 406

Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

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COMMISSIONERS

Present

Audrey Joseph, Chair

Jim Meko

Terrance Alan

Bruce Lorin

Joseph Pred

Jordan Shlain

Boman Leong

STAFF

Present

Robert Davis, Executive Dir.

Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:08 P.M.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Jim Meko, Bruce Lorin, Bowman Leong, Audrey Joseph.

Absent at the time of roll call were:

Joseph Pred and Jordan Shlain

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

2. PUBLIC COMMENT

Chair Joseph stated item 3D on the agenda would go of for a member of the public to Speak and too take Bambuddha Lounge out of order.

Milano, Gina, dba "Bambuddha Lounge," 601 Eddy Street/Courtyard

of Phoenix Hotel, Loudspeaker, December 31, 2004, 10PM to 2AM.

Gina Milano stated they would be having a New Years Eve event from the hours of 10:00 P.M. to 2:00 A.M. held at the Bambuddha Lounge in the courtyard and the interior of the Bambuddha Lounge with a DJ. She added they would have four speakers at 100 watts each.

Commissioner Meko asked when was the last time they had a late night event with loudspeaker permit in the patio area of the venue. He added did thei'r New Year's event last year go until 2:00 A.M. He added were there any police complaints about the noise within the past year.

Gina Milano stated they did not normally do late night events with loudspeaker permits and their events normally ended at 10:00 P.M. and 11:00 P.M. on the patio depending on the event. She added the music outside ceased at 12:00 A.M. last year. She added there were no police complaints.

Commissioner Lorin asked if the event was

open to the public.

Gina Milano stated that it was open to the

public and the tickets were pre-sold.

Dr. Shlain arrived at 5:12 P.M.

Public Comment

Burton H. Wolfe resident in the area. He

added he was on a board of Directors that did things on behalf of the tenants that could not help themselves. He added that they were given a loudspeaker event. He complained about Bambuddha's New Years Eve party last year. He added that the noise infuriated him so, that he wanted to throw a bomb inside the venue. He added that he filed a lawsuit against the Entertainment Commission, the City, the Police Department, the Health Department and the property owners. He read a letter from a elderly lady named Nelly Clarion who was a long time resident in the area asking the commission to take action on the excessive noise she and the residents had been subjected too.

Mark Rennie stated he was aware of the property and had visited the Bambuddha Lounge for outside loudspeaker events and there was less noise emulating from the patio. He added in the city there was a fine balancing act. He added he's been present at all the entertainment Commission meetings and saw the owners of the Bambuddha present at the meetings three times in a year in a half asking for a loudspeaker permit. He added he hoped the commission would grant their permit.

John Wood with the San Francisco Late Night Coalition stated it was interesting to look around at what other cites did compared to San Francisco he added L.A. was having 100,000 person outdoor all ages New Year's event this year that would be until 4:00 A.M. He added that one night a year was a minimal impact on the neighbors when the whole city would be impacted by noise on New Years Eve and supported the permit until 2:00 A.M.

Public Comment closed.

Commissioner Leong asked were there any police complaints in general or specific to the Bambuddha Lounge event?

Bob Davis stated three were no complaints from the police department and complaints or in general in the area.

Commissioner Lorin asked why staff recommended the time of 12:05 A.M. as opposed to 2:00 A.M.

Bob Davis stated from staff's perspective

outdoor sound in the would be potentially

intrusive. He added by 12:05 the noise

level would go down.

Commissioner Pred arrived at 5:18 P.M.

Chair Joseph stated that New Years Eve

happened at 12:00 A.M. She added 12:05

would be too short and they needed time to

Happy New Year.

Commissioner Meko stated last year he went around the neighborhood and talked to the Neighbors and some of the neighbors indicated they heard the music from late night events. He added the building that Mr. Wolfe lived in was a high-rise senior building three blocks away from the Bambuddha Lounge. He added that he did not meet a lot of people who were really angry about the sound. He added that it was New Years Eve and supported to amend the time until 1:00 A.M.

Commissioner Alan stated he would motion to approve the loud speaker permit with a with a restriction of 1:15 A.M. on the loudspeaker permit motion to give the Bambuddha Lounge time for a cool down period.

Commissioner Alan moved to approve the

Loudspeaker permit with the restriction of 1:15 A.M. shut down time.

Commissioner Meko second the motion

VOTE:

AYES - Commissioner Alan, Commissioner Meko,

Commissioner Shlain, Commissioner Joseph

Commissioner Leong and Commissioner Lorin

NOES - None

ABSTAIN - Commissioner Pred

The Chair called for comments from the public on items not appearing on the agenda.

GENERAL PUBLIC COMMENT

Larry Hunt "AKA bucket Man stated he was

playing in front of Casual Corner on New

Years Eve. He added he would be appearing on Oprah Winfrey. He complained that the police and being forced to move from his regular playing location were harassing him.

Public comment closed.

Review and approve minutes of Regular Entertainment Commission meeting of August 17, 2004, October 19, 2004 & November 16, 2004.

Public Comment

No public comment.

Commissioner Meko moved to approve the August 17, 2004 Minutes

Commissioner Shlain second the motion

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Joseph Commissioner Leong

NOES - None

ABSTAIN - Commissioner Lorin & Commissioner Pred

Public Comment

No public comment.

Commissioner Meko moved to approve the October 19, 2004 Minutes

Commissioner Leong second the motion

VOTE:

AYES - Commissioner Meko, Commissioner Shlain,

Commissioner Joseph Commissioner Leong

Commissioner Lorin & Commissioner Pred

NOES - None

ABSTAIN - Commissioner Alan

Public Comment

No public comment

Commissioner Pred moved to approve the November 16, 2004 Minutes

Commissioner Lorin second the motion

VOTE:

AYES - Commissioner Alan, Commissioner Meko, Commissioner Shlain, Commissioner Lorin & Commissioner Pred

NOES - None

ABSTAIN - Commissioner Shlain, Commissioner Leong

& Commissioner Joseph

PRESIDENTS REPORT

Commissioner Shlain asked why the legislation committee did not think legislation would work.

Chair Joseph stated because the commission thought the promoters by in large would want to apply for the permit. She added the ultimate responsibility was the permit holder and the venue.

Chair Joseph asked Captain O'Neil to explain.

Captain O'Neil, SFPD stated they could do an automated search for local records only, he added Clex was a statewide system and also interfaced with the National Law enforcement telecommunication system both of which they were prohibited for using for applications or permitted or licensing and would have to be done by fingerprint cards submitted to the department of justice and were at mercy of the turn around time for the criminal history.

Hearing and possible action regarding applications for permits under the jurisdiction of the Entertainment Commission.

Chen, Benjamin & Brooks, Joshua, dba "Alpha Bar and Lounge,

" 3846-3848 Geary Blvd., Place of Entertainment.

Mark Rennie representing the clients of the Alpha Bar. He added that the tentative opening date for the Alpha Bar was for 2005. He added they were requesting a conditional grant with the conditions of the Good Neighbor Policy and noise and reference to Company D. recommendations. He added prior to submitting the application they meet with Captain Tong and Joe Connelly at Richmond station and they asked for after hours permit for one hour on weekends. He added they denied the extended hours. He added they decided not to apply for the after hours permit. He added he took exception to four of their imposed conditions. He added No. 1 was no extended hours are requested. 2. Premises should not be rented out to promoters. No. 3 Entertainment shall be live DJ only, he added on rare occasion they would want to do live, and ask that No. 3 be stricken and No. 4 all music shall be played through a in-house system using a limiter. He added due to budgetary constraints his clients would like to have screwed in s in the DJ console. He added there was a $50,000.00 sound extenuation done. He added there were sound test done and there was a neighbor upstairs neighbor who would testify to the sound.

Chair Joseph asked if the drop ceiling was insulated and what was it insulated with.

Mr. Chen stated that there were six layers of sound block and foam insulation and sound block and there was a thick substance they put on the drop ceiling.

Chair Joseph asked would Mr. Chen prefer if he would prefer to put screws in their DJ mixer instead of having a limiter.

Mr. Chen stated they had a Bose sound wave system that would not penetrate through walls and could control the amount of sound that went out.

Chair Joseph stated she didn't think the screw would work and not having a limiter would be an issue for her. She added what type of live music they would have.

Mr. Chen stated if they did a wedding the wedding party would want to have a live band. He added that he made a promise to the neighbors not to live rock bands. He added they would do live performances like open mike with spoken words and soft music and no base drums.

Chair Joseph asked if they had a 47 liquor license and where they trying to get a type 48 license.

Mr. Chen stated they had a type 47 liquor license and would stick with the 47 license because they had a good menu they would be serving at lunch and dinner. He added they would go to voluntary 48 at nighttime and would not allow people under the age of 21 inside.

Chair Joseph stated she did not think that could be enforced.

Commissioner Alan asked what the distance was between the top of the new drop ceiling and the bottom of the existing ceiling as it stood. He added what was the logic behind him

Mr. Chen stated over a foot and a half.

Commissioner Alan asked why he was voluntary giving up his rights to allow adults 18-20 years of age into his premise and what was the logic behind Mr. Chen self-imposing the restriction.

Mr. Chen stated they were trying to create a mix medium type of atmosphere wanted to encourage a true lounge at night and it was part of the concept why they wanted to do the voluntary 48.

Commissioner Alan asked for Mark Rennie to explain what a voluntary 48 was.

Mark Rennie stated it was a term used in the industry and a number of venues used it like Asian San Francisco. He added that the ABC encouraged it because 18 years old try to get alcohol in a drinking establishment and it created a policing problem for the venue. He added that once they went to a late night menu ABC would allow the voluntary 48 license.

Chair Joseph stated what would happen if an 18 year old came to eat dinner and they were starting their late night entertainment would they be thrown out?

Mr. Chen stated the way the restaurant was set up they would have two major sitting a night and after the second sitting anyone who was under 21 would get re-carded during drink service. He added after the second sitting they would be asked nicely to leave the establishment. He added a lot of restaurants in the city were doing it.

Commissioner Alan stated that earlier this year the San Francisco Youth Commission declared a state of emergency in the city as it related to the availability of entertainment to youth between the age group of 18 to 21. He added when the commission had an applicant before the commission that had the ability to serve that age group the commission wanted to pursue a line of questioning that underscored the commission's desire to transmit to the applicant the commission's wishes that the applicant follow the Youth Commission's state of emergency and assist the city in educating its young adults so when they entered the drinking age they are not neophytes to going out and they had opportunities to transition from being children to being adults as oppose to just turning 21. He added that he was not an ABC expert because it related to a body of law outside the city municipal code. He added he wanted staff to look through the city attorney's office what was possible for the commission to allow for an entertainment venue when it was allowed under the ABC code to provide all ages and if the commission could allow the venue to restrict the ages. He added it was important for the commission to understand the underlying

law.

Commissioner Meko stated the applicant's package and the police conditions there were a series of inconsistency and ambiguities. He added the applicant stated they would not feature live music and then come before the commission and asked that the police stipulation that there be no live music be stricken. He added they did have a stipulation that would follow through on that promise to the neighbors that they would not have live rock & roll bands. He added the difference with the type 47 license was it was an inclusive type of establishment that provided food and beverages and on the application the applicant stated they were going to have a type 48 license. He added which license would they have.

Mr. Chen stated it was a type 47 liquor license.

Commissioner Meko stated the police wrote the stipulations in the account that they would have a type 47 license. He added had it been made clear to the neighbors that they may change once their place of entertainment had been granted to change from a restaurant to a nightclub.

Mr. Chen stated they were a type 47 but were also a very diverse business structure. He added that inconsistency were music was diverse he added he was promising no hard-core rock and roll. He added the neighbors complained about the previous tenants that had loud music. He added they were trying to pin down the differences.

Commissioner Meko asked if Mr. Rennie could make some suggestions as to how the promises could be written into the permit.

Mark Rennie asked Attorney Dorji Roberts under the 1060 police code if the commission had the right without the applicant's voluntary agreeing to limit their type of entertainment it the venues as long as they could meet all noise, zoning, fire and building safety requirements under the code.

Dorji Roberts stated it did not matter what type of music it was but rather the impact it would have as far as the level of the noise was. In short, the commission could not say what type of music an establishment could have, however the commission as time or level of noise could impose restrictions.

Commissioner Lorin stated the applicant stated he meet with the neighbors and made a promise and came to the commission and not want to stipulate to the

promise. He added he would be an advocate for an extension and reposting to see if they could get neighbors who would oppose the application.

Commissioner Meko stated in the applicant's application he listed SFPD and the San Francisco Late Night Coalition as neighborhood organization and they were not. He asked Mark Rennie to inform his clients of what neighborhood organizations were.

Mr. Chen stated he reached out to some of the originations and would be joining the Geary Business Association.

Commissioner Meko asked would the applicant to stipulate that they would have a type 47 license and if they chose to change to a type 48 that they reapply neighbors be contacted.

Commissioner Pred asked was the commission exceeding their scope by making that stipulation.

Commissioner Meko stated they put the same stipulation on a permit in last July.

Commissioner Lorin stated it did not make a difference if they had were a type 47 or 48 license it was entertainment an entertainment permit.

Commissioner Pred stated he fully agreed with Mr. Rennie's question and fully supported Mr. Robert's answer. He added he got involved with the entertainment commission to support entertainment and not to pick and choose what types of entertainment business as long as followed the stipulations and regulations that were in place. He added he agreed with Commissioner Lorin there should they change their business plan there should be a reposting.

Mark Rennie stated he was uncomfortable when the commission would start picking and choosing what type of music would be played at a venue. He added they were not trying to pull a fast one and they could voluntary limit the types of music they would like to play. He added they would take a condition of no rock music and no rock bands and no drums.

Chair Joseph stated who would determine what was rock and roll and what was not. She added she would not support it. She added if they wanted to succeed they would operate as a good business and do the right thing otherwise if they violated the noise ordinance the police would come and close them down.

Commissioner Alan stated the dilemma the commission had was translating the agreement into the applicants permit. He added the commission was conscious of the first amendment and conscious of the ever-evolving entertainment business. He added it was the Entertainment Commission's jurisdiction to mitigate impacts from entertainment. He added it was not the Entertainment Commission's job or the neighbors to program the applicant's venue. He added it was the venue and neighbors job to make sure they both peacefully coexist. He recommended that the commission should attach the Good Neighbor Policy.

Public Comment

John Wood with the SFLNC stated it didn't matter what type of music it would be but how effective the sound would be in the venue. He added the 18 and over issue it had been the history in San Francisco if a place had a 47 everyone should be 21 years old. He added he did not like the policy but thought it was a legal way for the person to have their rights to pick and choose to never do 21 and over if that were their decision. He added an owner had to want to do the 18 and over events and deal with the liabilities. He added the owners should not be pressured to do it.

Edward Enease stated he lived above the establishment and met with three of the owners and they done an extraordinary job and asked the commission to support the applicant. He added he worked in the industry and had an opportunity to question them at length and recommended the commission approve their application without limitation.

Public comment closed.

Commissioner Lorin asked if the applicant requested entertainment from 10:00 P.M. to 2:00 A.M. and did the applicant request that time.

Mr. Chen stated they requested that time.

Commissioner Shlain asked if the police department asked for the specific times.

Mr. Chen stated the police recommended entertainment to start at 10:00 P.M.

Chair Joseph asked staff the premises was properly posted.

Jocelyn Kane stated it was posted. She added that the applicants sent hand written notices to the 600 residents about what their intentions were and about the hearing.

Commissioner Lorin moved to conditionally approve attached the Good Neighbor Policy and limit the police department's recommendation to security and noise abatement and remove the rest

off. Commissioner Alan seconded the motion.

VOTE:

AYES - Commissioner Shlain, Commissioner Alan

Commissioner Lorin, Commissioner Joseph &

Commissioner Pred

NOES - Commissioner Meko & Commissioner Leong

Des Roches, Darren, JBC of San Francisco, dba "Jillian's of San Francisco," 101 4th Street, Place of Entertainment/Billiard Parlor.

Mr. Darren Des Roches stated he was applying for a reapplication of their Billiard Parlor license.

Chair Joseph asked what was the difference of the current permit and the ones that previously existed.

Jocelyn Kane stated the difference was there was a 100% change in ownership and they were required to reapply for a permit.

Commissioner Shlain asked what was the revised statement done by Officer Rose Meyers.

Jocelyn Kane stated the original was exactly the same except No.1 entertainment in

the form of live bands or DJ's allowed Friday and Saturday nights from 11:00 A.M. to 2:00 A.M.

Commissioner Leong asked what were the concerns with the Mission Street garage and Jillian's.

Mr. Des Roches, Darren stated that the 5th and Mission Street garage had some concerns of some activities that happened in the evening when the clubs in the vicinity let out. He added they wanting to work together to keep the area safe and keep the incidents down to a minimum.

Commissioner Alan questioned the applicant's agreement to restrict the age of their patrons to 21 and up when they were having entertainment since there were few venues that had 18 and over. He added was it a business decision the made without the police departments recommendation. He added if given the opportunity would he allow 18 to 20 years old patrons into his venue.

Mr. De Roches stated their base business was the most important to them operating the restaurant and the entertainment aspect after that was extra for them He added they used the I.D. risk bands to all patrons coming in were 21 up. He added it was in the best interest of their venue. He added was a whole set of different liabilities and issues they had to control. He added it made it easier to say 21 and up.

Commissioner Alan added a friendly amendment to strike the restriction of the 21 years of age and let the default of management make the decisions as opposed to having it as a condition of their permit.

Commissioner Lorin stated he disagreed with Commissioner Alan and what he was trying to create. He added it was an adult amusement venue. He added there were plenty of video and amusement parlors available to kids of any age. He added Jillian's was one of the few places that were 21 and older. He added that he agreed that it did not belong on the permit and it was a business decision by the applicant.

Commissioner Leong stated it didn't make a difference it was in the business holder's business plan and it was the way they wanted to operate.

Commissioner Alan stated it was important endorsement of a fellow commission's public policy statement that San Francisco needed to provide the opportunities. He added restricting the youth would show the commission was not in support.

Commissioner Lorin stated the business had the right to change their mind down the road. He added that he didn't want to restrict the business if they chose to change their mind.

Public comment

No public comment.

Commissioner Leong moved to conditionally grant the permit

Restricting the 21 years of age. Commissioners Pred second the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Shlain, Commissioner Lorin Commissioner Pred & Commissioner Joseph Commissioner Meko & Commissioner Leong

NOES - None

Bell, Shelley, dba "Bayview Opera House," 4710 3rd Street, Place of Entertainment.

Bob Davis asked that the item be continued because there was not sufficient notification of the neighborhood and to repost and bring it back to the commission in 30 days.

Public Comment

No public comment.

Commissioner Pred motioned to continue item No. B Commissioner Alan second the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Shlain, Commissioner Lorin Commissioner Pred, Commissioner Joseph,

Commissioner Meko & Commissioner Leong

NOES - None

Discussion and possible action to make a recommendation to ISCOTT to add life safety/EMS to all events that require street closures.

Public Comment

No public comment.

Commissioner Pred moved to continue the item to the call of the chair pending meeting with Dr. Brown and Cindy

Shambam Commissioner Leong second

the motion.

VOTE:

AYES - Commissioner Alan, Commissioner Shlain, Commissioner Lorin, Commissioner Pred, Commissioner Joseph, Commissioner Meko & Commissioner Leong

NOES - None

Discussion and Adoption of Entertainment Commission Hearing Procedures for Revocation or Suspension of Place of Entertainment Permits (Police Code §1060.20) and/or Permits to Operate Extended Hours Premises (Police Code §1070.17).

Dorji Roberts, city attorney distributed revised documents of the proposed hearing rules for Procedures of Revocation or suspension of Place of Entertainment Permits and extended hour permits. He added the basics intent of the rules were to ensure proceedings over request to suspend or revoke a permit were conducted in a orderly manner which would protect the due process rights of the applicant while protecting the public safety and welfare for the public and the city and county of San Francisco.

Commissioner Lorin stated he had not had the opportunity to read the document and suggested holding off to vote on it at the next meeting.

Commissioner Pred stated the commission could conditionally approve the document and then revisit it to address any additional questions that may come up later.

Dorji Roberts, city attorney stated that adopt it and it could be amended to make

additional changes. He added when the Entertainment Commission decided to revoke or suspend a permit they would sit as a quasi-jurisdictional body and act as a judge like in a court like fashion and not be bias or prejudge issues that came before the commission to base the commission's decision on evidence introduced into the record. He added the chair of the commission or in their absence vice chair or other commissioner designated by the chair would control the proceedings and make rulings all subject to be overwritten by the full commission. He added there were various officials who could initiate proceedings to revoke or suspend a permit. He added the Director of the Commission, Police Department, Fire Department, Public Health and head of any City department that controlled or had jurisdiction over the venue were the property is located. He added the permit holder would be required to file an answer and the parties would have to enclose evidence and lodge it with the Entertainment Commission.

Public Comment

Mark Rennie stated in order to revoke a permit or take a permit away the commission had to afford the permitee due process which was the right to cross examine. He added he had issues on Sec. 11 that involved informal discovery. He added he had a problem with the charging official or permitte shall exchange and lodge the commission no later than three days before the hearing, he added it did not afford him on a revocation hearing due process he suggested 10 or 15 days. He added that California 11 government code 11507.6 discovery provisions for administrative hearings in California. He added there was nothing under the rules that gave the applicant any rights to make a discovery request. He added that No. 11 needed some work.

John Wood asked what if the Chief of police through their city attorney wanted to request a suspension of a permit and the Director of the entertainment Commission did not agree how would the procedure follow.

Dorji Roberts stated Director of the Entertainment Commission would not have veto power to prevent the police or other city officials from initiating the proceedings. He added the Director could make a recommendation to the commission. He added someone who had his or her own agenda should not be a gatekeeper. He added it could be written another way. He added staff would have administrative responsibility.

Commissioner Pred moved to approve as written the Commission Hearing Procedures for Revocation or Suspension of Place of Entertainment Permits (Police Code §1060.20) and/or Permits to Operate Extended Hours Premises (Police Code §1070.17) and revisit the issue at the call of the chair pending suggestions and feedback for potential amendment to the current procedure Commissioner Leong second the motion

VOTE:

AYES - Commissioner Alan, Commissioner Shlain, Commissioner Lorin Commissioner Pred & Commissioner Joseph Commissioner Meko & Commissioner Leong

NOES - None

COMMISSIONER COMMENTS AND QUESTIONS.

Commissioner Alan stated there were times when the best course of action was to take your cause to the people and encouraged Mr. Bucket Man to do so.

Commissioner Leong stated the Fillmore Street Merchants Association was putting on the Fillmore street stroll this Saturday, December 11, 2004.

Commissioner Pred suggested the Legislative Committee would come to the full commission more appropriately with discussion for agenda items for future meetings to talk about legislation for require

Automatic External Defibulators in venues of a certain size venue. He added he had some information that would parallel some of the new legislation that's being put in by Supervisor Daly in regards to AD in public buildings.

Commissioner Lorin stated on punitive hearings there was no requirement legal or otherwise for cross-examination. He added that he differed from the city attorney. He added there had to be a right to get clarification and it could go through president and the chair and it would be up to the commission to obtain the information the commission deemed as relevant.

Chair Joseph thanked commissioner Meko for chairing the previous commission meeting in her absence.

Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

- Status of pending legislation staff working on a revision of the street artist Castro Street legislation is under advisement.
- Budget report
- Office space stated he would be moving to room 453 on January 18, 2005.
- New hire Mayor reviewing draft Hearing officer Anzore.

REPORT FROM LEGISLATIVE COMMITTEE.

Commissioner Leong stated the legislative committee covered Scharods's Law and was signed by the Board of Supervisors and the Mayor. He added they covered street

performers and staff put together a one-year sound permit being sponsored by Supervisor Peskin's office. He added for the legislative future agenda they would discuss yearlong sound permits and the Automatic External Defibulators and will add to the Legislative Committee's agenda.

Bob Davis stated staff presented to the city attorney a form that would be used for the One Night event. He added a committee was formed of 1 person from, the Building, Fire and Health Departments. He added there would be a team of the safety officers that would approve it in a timely fashion to get back to staff with the approval signatures from each department.

REPORT FROM EXECUTIVE COMMITTEE.

Commissioner Shlain stated they were trying to sort out with City Planning a process to not bump heads with overlapping jurisdiction and the issues of land use. He added the website would start with creating a logo.

Discussion of agenda items for future Entertainment Commission Meetings.

Commissioner Meko stated Laurence

Kornfield requested to speak at the next

Commission meeting to do a presentation

On soundproofing. He added that Noise

Abatement Officer Anzore will attend and

will be given equal time to speak to the

Commission.

Adjournment 8:19 P.M.

Entertainment Commission
City and County of San Francisco

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Notice and Agenda for Meeting
Tuesday, December 21, 2004 at 5:00 P.M.
Room 406, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Call to Order and Roll Call.

Public Comment: Members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission. With respect to agenda items, members of the public may address the Commission for up to three minutes at the time such item is called.

SF
E81
#1
12/21/04

1. Review and approve minutes of Regular Entertainment Commission meeting of December 7, 2004. **[Action Item]**

2. Discussion and possible action pursuant to Police Code Section 1070.19 to allow minors 18 to 21 years of age to enter and remain past 2:30 a.m. at New Year's Eve 2004 event to be held at SOMARTS, 934 Brannan **[Action Item]**

3. Presentation by Chief Building Inspector Laurence Kornfield about Sound Transmission code requirements for residential buildings -- this is a critical issue when new residential buildings are constructed near entertainment sites.

4. Presentation by Noise Abatement Officer Ed Anzore on Soundproofing standards and requirements as reflected in law and practice for places of entertainment.

5. Discussion and possible action to make a recommendation to ISCOTT to add life safety/EMS to all events that require street closures.

6. Commissioner Comments and Questions.

7. Report from Executive Director. (Bob Davis, Executive Director). Reporting on the status of:

   - Status of pending legislation
   - Budget report

ENTERTAINMENT COMMISSION
1 DR. CARLTON B. GOODLETT PLACE, ROOM 453 SAN FRANCISCO, CA. 94102
(415) 554-6678 ■ 415 554-5793

- Office space
- New hire

9. Discussion of agenda items for future Entertainment Commission Meetings. [**Action Item**]

10. Adjournment.

Please see attached for the Entertainment Commission's interim policy on accessibility to its meetings.

DISABILITY ACCESS

Room *406* is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI services, call 923-6142. Large print agendas are available. Sign language interpreters are available upon request by contacting the Entertainment Commission Office at least two working days prior to a meeting. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should also call the Entertainment Commission Office. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. A TDD phone for the Entertainment Commission is available on request.

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Pleased be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at **www.ci.sf.ca.us/bdsupvrs/sunshine**. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact:

Sunshine Ordinance Task Force
Donna Hall, Administrator
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Office: (415) 554-7724
(Fax): (415) 554-7854
(E-mail): Donna_Hall@ci.sf.ca.us

WRITTEN COMMENTS

Persons attending the meeting and those unable to attend may submit written comments regarding the subject of the meeting. Such comments will be made part of the official public record and will be brought to the attention of the Commission. Written comments should be submitted to the Entertainment Commission c/o Jocelyn Kane, Entertainment Commission, Room 453 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

"Explanatory Documents: Copies of explanatory documents listed in this agenda, and other related materials received by the Entertainment Commission after the posting of this agenda, can be obtained during normal office hours at the Entertainment Commission office on the 4th floor of City Hall, 1 Dr. Carlton B. Goodlett Place, Room #453, San Francisco, CA 94102, and also, to the extent possible, will be available on the Commission's website at http://www.sfgov.org/entertainment."

City and County of San Francisco
Entertainment Commission

December 21, 2004

MINUTES OF THE

December 21, 2004 REGULAR MEETING

City Hall, Room 406

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San Francisco, CA 94102

COMMISSIONERS

Present

Audrey Joseph, Chair

Jim Meko

Terrance Alan

Bruce Lorin

Joseph Pred

Jordan Shlain

Boman Leong

STAFF

Present

Robert Davis, Executive Dir.

Jocelyn Kane and Crystal Stewart Staff

1. CALL TO ORDER

The Commission Chair called the meeting to order at 5:08 P.M.

ROLL CALL

Robert Davis called the Roll.

Present at the meeting were Commissioners Terrance Alan, Jim Meko, Bruce Lorin, Bowman Leong, Audrey Joseph, Joseph Pred and Jordan Shlain.

Absent at the time of roll call were: None

Staff present was, Robert Davis, Jocelyn Kane and Crystal Stewart.

2. PUBLIC COMMENT

No Public comment.

Review and approve minutes of Regular Entertainment Commission meeting of December 7, 2004.

Public Comment

No public comment.

Commissioner Leong moved to approve the minutes of December 7, 2004

Commissioner Shlain second the motion.

VOTE:

AYES - Commissioner Shlain, Commissioner Lorin,

Commissioner Alan, Commissioner Pred & Commissioner Joseph Commissioner Meko & Commissioner Leong

NOES - None

Discussion and possible action pursuant to Police Code Section 1070.19 to allow minors 18 to 21 years of age to enter and remain past 2:30 a.m. at New Year's Eve 2004 event to be held at SOMARTS, 934 Brannan.

Chair Joseph stated item 2 was withdrawn from the agenda.

Presentation by Chief Building Inspector Laurence Kornfieldabout Sound Transmission code requirements for residential buildings this is a critical issue when new residential buildings are constructed near entertainment sites.

Chair Joseph stated the presentation was not to set policy it was to explore the commissioner's knowledge.

Laurence Kornfield, Chief Building Inspector explained the code requirements for buildings. He added noise was one of the biggest issues that surrounded the issue of permitting and appropriate use for entertainment in the city. He added there were three different set regulations for the City, building code, Planning and the Police code on regulations of noise. He added noise was regulated in two separated codes

the city enforced the first one was the building code were certain types of buildings had to be built to reduce noise in the building and the second code was the police code and there were further regulations in the Health code. He added the building code was that new residential buildings that were in areas mapped as being noisier must designed in two ways to reduce noise first to reduce noise between units and in common areas to the units within the building and to second to reduce exterior noise into the building. He added in order to reduce exterior noise into a building they are required by state law to ask for a noise report that certain construction features had to be added to new building. He added the state building code said was for new residential hotels, motels, dormitories apartments and dwellings that were other than detached single-family dwellings buildings. He added it did not imply to existing buildings or conversions of old commercial buildings. He showed a map of areas that were 60 decibels or above. He added the state law stated were any place that was mapped at 60 decibels or above had to have an acoustical analysis for the a new building. He added it was the obligation of the building designer and owner to met the requirements of the building code. He added that newly constructed buildings are required by state law to have special noise insulators built into them. He added the building department is trying to make sure the standards are being met.

Commissioner Meko stated the older buildings needed to have some new structures added into the standards. He added that noise was not a big issue before the commission because the commission had approached it from the point of view of the police code and the city noise ordinances that required clubs to contain their noise. He added he requested the police department to be present because it was something the commission needed to balance. He added they solve the issues on south of market by working with the neighbors. He added the entertainment industry should not scapegoat the issues of noise. He added they should be looking at ways that entertainment and residential uses could co-exist side by side.

Chair Joseph asked what the inspector did if a building was built and they did not comply with the code and would they have to rebuild.

Laurence Kornfield stated if they received a complaint the building code had a specific procedure that required them to have field-testing done. He added the cost would be paid by who was correct. He added it was expensive and difficult to upgrade existing buildings.

Chair Joseph asked if streetcars on Market Street that were 85 decibels be considered ambient noise outside.

Laurence Kornfield stated the noise legislation and the building code stated the sound report should consider traffic noise.

Chair Joseph asked if a nightclub entertainment was in a permitted use and the

venue had been there for a period of 10 years and developers built housing and said the nightclub was too loud did the night club have to increase its soundproofing or change the way it operated and was the builder obligated to sound proof their building to a greater extent.

Laurence Kornfield stated the new residential building being developed next to an existing nightclub the acoustical engineer had to consider the local conditions.

Commissioner Alan asked if an existing building changing its use from an office to residential would it be under the definition of new construction that would fit the requirement to met the state sound code

Laurence Kornfield stated it was not required but thought it should be put into the state code.

Commissioner Alan asked how the building department would counsel the commission and staff on what rehab buildings and tools that were available for an owner of an existing facility that were not able to require the level of sound proofing.

Laurence Kornfield stated one of the tools was through the planning department often reviewed projects and set reasonable terms for developments. He added he received a letter from the president of SPUR San Francisco Planning and Urban Research asking that building, fire and planning and other agencies to work on the conversions of commercial residential to have a clear set of rules. He suggested the Entertainment Commission send a letter to the agencies about their concerns and request information.

Commission Alan asked if staff would produce a letter to send to the agencies. He added mid market would be a repeat of the South of Market issue.

Joseph Chair asked Mr. Kornfield to email Jocelyn Kane a distribution list for the letter to send to those agencies.

Commissioner Joseph asked if there were a new building not following the code what would planning department do for recourse to enforce.

Laurence Kornfield stated field-testing would be done if there was a complaint and if the code were not met they would issue a notice stating they had not met the code and they had a certain length of time to comply.

Commissioner Joseph stated what was the time line of a notice to a valid complaint to remedy and code compliance.

Laurence Kornfield stated it would be measured in years and not months because there were difficult field test to be done.

Chair Joseph stated it was on the onus of the club owner to look around their neighborhood and see if there was being new construction being built.

Commissioner Meko stated if the club was not containing its noise it was an issue and if they were containing their noise and there was nuisance occurring out on the streets it was relevant. He added a streetcar going by was not a relevant factor to ambient measurements.

Commissioner Alan asked if new residential construction in a mixed-use area's owner or inhabitant did not have the right to open all of their windows on the front of their building and would the open windows declare the nuisance noise associate with the coming and goings of a particular venue would violate their rights to the peaceful quiet enjoyment of their home.

Laurence Kornfield stated the code said the building had to be designed in such a way that it would properly ventilated with all the windows closed. He added they could open their windows if they wanted to.

Presentation by Noise Abatement Officer Ed Anzore on Soundproofing standards and requirements as reflected in law and practice for places of entertainment.

Ed Anzore stated ambient noise was all-incumbent sound were you were at the given time he added it went up and down and there was true definition of how loud ambient was. He added the building came after and when they took the measurements there should be no violations before the building was built and if a building was built next to a nightclub there should not be a violation. He added when they took the measurement and if they could hear sound in the building whether it was new construction on old it would be too loud by their standards. He added if they had the standards or not for their purposes it did not apply.

Chair Joseph asked if they dealt with the windows open or closed.

Ed Anzore stated they dealt with the windows closed. He added if a resident opened their window they increase the ambient sound in their apartment. He added any outside noise of traffic was included in the testing. He added they were loud allowing 5 decibels over the ambient and there was two tests. He added if the windows were open that would be part of their ambient. He to keep the source of the music noise out of their resident they would have to close their window. He added the bigger issue of the 450 plus nightclub permits there were only 10 to 12 true nightclubs and was there were only two buildings with potential issues of sound he added it was the excepted rather than the rule.

Commissioner Alan asked what air rights was if a club owner sold his air rights to an adjacent residential construction project so the residential project could have windows that would over look the roof of the club was he familiar if selling of the air rights triggered or diminished the protection of the 5 ambient noise. He added that selling the air rights gave the person rights to have property-lined windows that opened.

Ed Anzore said it was up to the building owner to do what he wanted with his building and the owner of a club owner did not have the right to tell you if you could put a window in their building.

Commissioner Meko asked about what were the obligations of clubs containing their noise by keeping their doors and windows closed.

Ed Anzore stated it was on the permit that doors and windows should be closed during the hours of performance. He added there were nights when it was hot and they would open the doors. He added most of the problems could be solved with a phone call and were not major issues.

Discussion and possible action to make a recommendation to ISCOTT to add life safety/EMS to all events that require street closures.

Commissioner Pred stated the item would be continued for some time until more information was obtained.

COMMISSIONER COMMENTS AND QUESTIONS.

Commissioner Pred echoed Chair Joseph words on advising the permitee's incorporating into the process to raise people's awareness to remedy a correction for nightclub noise.

Commissioner Alan stated he received a phone call from Alex Tourke with the mayor's office and was asked how the Entertainment Commission was formed. He added it was a question were it was more his hat of an activist than his hat as a commissioner and he referred Alex Tourke the SFLNC website. He added he appeared before the board of permits appeals as a citizen for the Avalon Ballroom. He added that he wanted to advise the commission on the issue that the commission would possibly face. He added the Avalon Ballroom could not find an entertainment tenant to support them and the tenant's below was a commercial design firm. He added they wanted to expand temporally into the Avalon Ballroom space and the zoning administrator determined it would require a change that would covert the Avalon Ballroom into an office. He added it would create a severe impediment for the building owner to revert back. He added he had grave concerns if the change of use was not overturned they would lose one of the finest ballrooms in the city. He added the commission should find a way to their process to weigh in on the issue and help influence the decision and allow for a realistic interpretation of the planning code that did allow for commercial art activities without a change of use requirement. He added his venue on Market Street next-door neighboring officer recently permitted a 100-year-old office building that was converted into residential condominiums and they want to buy air rights and he said it was a oversight and he would be working on ways to patch the oversight up were someone could take a historic building and convert it to residential use and bypass the requirement to have it appropriately sound proofed. He asked for the support of the commission.

Commissioner Meko stated he supported the Commission weighing in on the zoning administrator to reconsider its ruling of the Avalon Ballroom. He added the city would never recover its viable entertainment unless they could hold onto major resources. He added legislation was past creating a task force that would lead a three-year process to look at the rezoning of south of Market.

Chair Joseph stated it was important that a venue inform their neighbors that they would operate as a nightclub. She added that when she owned her club she painted her door red and in black painted the "nightclub" on it so the neighbors could be informed.

1. Report from **Executive Director. (Bob Davis, Executive Director)** Reporting on the status of:

- Office space - the office would be closed on Friday, December 24, 2004.

- Applications for one-time events are moving forward.

- Status the Castro street legislation has been introduced.

- Budget report - No funds will be attached from the hotel tax, and the compromise was 500,000.00 over a two year period.

- Bob will move to room 453 the week of January 2005.

- New Hire - The Entertainment Commission has use of Officer Anzore on the noise issued use.

3. Discussion of agenda items for future Entertainment Commission Meetings.

None.

10. Adjournment. 6:39 P.M.

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